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THE

TRIAL

OF

CAPT. WILLIAM CHAPMAN

FOR

THE WILFUL MURDER

OF

ROBERT DUNN,

ON BOARD

THE APOLLO SLAVE SHIP.

As taken in Short Hand.

CONTAINING

THE SPEECHES AT LENGTH OF THE COUNSEL;

THE

Evidence verbatim of the Witneſſes;

THE

PRISONER'S DEFENCE;

CORRECT COPIES OF THE LETTERS AND DOCUMENTS PRODUCED IN COURT;

AND

The Charge of the Judge to the Jury.

The Whole being a Faithful Narrative of every Particular that tranſpired during that important and intereſting Inveſtigation.

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JUSTICE HALL, *Old Bailey.*

Admiralty Sessions,

DECEMBER, 1807.

TRIAL

OF

WILLIAM CHAPMAN.

Before Sir WILLIAM SCOTT, Knt., Judge of the High Court of Admiralty; Sir ARCHIBALD MACDONALD, Knt.; and Sir SIMON LE BLANC, Knt.

COUNSEL,

For the Profecution, *Mr. Solicitor General,*
Mr. Jervis.

For the Prifoner, *Mr. Gurney,*
Mr. Alley.

THE Indictment ftated that the Prifoner, on the 1ft day of March, in the forty-feventh year

of his Majeſty's reign, and on divers other days and times between that day and the 31ſt of the ſame month, with force and arms upon the high ſeas within the juriſdiction of the Admiralty of England, to wit, within one league of New Calabar, on the coaſt of Africa, and at other places within the ſame juriſdiction, in and upon a certain ſhip or veſſel called the Apollo, of which he the Priſoner was the maſter, violently and felonioufly did aſſault one Robert Dunn, then being in and belonging to the ſaid ſhip, and did then and there with force and arms felonioufly, wilfully, and with malice aforethought, ſtrip the ſaid Robert Dunn, and cauſe him to be ſtripped and deprived of his cloaths, whereby he was naked and expoſed to the rain, wind, and ſun, and other inclemencies of the weather. And felonioufly did refuſe to give or allow, or ſuffer to be given or allowed, ſufficient meat, drink, and other neceſſaries, proper and requiſite for the ſuſtenance and maintenance of his body; and that he then and there with a certain inſtrument made of wood, and divers pieces of cord called a cat, which he then and there held in his right hand, felonioufly and with malice aforethought did beat and ſtrike the ſaid Robert Dunn in and upon his head, back, ſtomach, ſides, and arms, thereby giving him divers wounds and bruiſes; and with a certain other inſtrument called a handſpike, which he then and there held with both his hands,

felonioufly and violently did beat and ſtrike the ſaid Robert Dunn upon his head, back, ſtomach, and arms, thereby giving him divers wounds, bruiſes, and contuſions; and that he then and there with force and arms did tie, fix, and faſten, or cauſed to be tied, fixed, and faſtened, certain cords to the right wriſt of the ſaid Robert Dunn, and thereby, and therewith, did hang up and ſuſpend him for the ſpace of four hours; and did alſo tie, fix, and faſten, certain other cords to both the legs of the ſaid Robert Dunn, and thereby cauſed him to be hung up and ſuſpended by his legs for four hours. And that he did alſo fix, tie, and faſten, heavy cords and chains to the arms and neck of the ſaid Robert Dunn, and cauſed him to be hung up and faſtened to ſeveral parts of the ſhip for the ſpace of ſix hours, and did thereby inflict great bodily pain and torture upon him. By means of which ſaid deprivation of food, beating, wounding, and ill treating, the ſaid Robert Dunn became weak and greatly emaciated in his body, and from the time aforeſaid did languiſh, and, languiſhing, did live until the ſaid 31ſt of March, when he died. And that therefore the Priſoner did felonioufly, and with malice aforethought, kill and murder the ſaid Robert Dunn.

A ſecond Count in the ſaid Indictment charged

the Priſoner with the wilful murder of the deceaſed by ſtrangling him.

To this Indictment the Priſoner pleaded that he was not guilty.

This Indictment, as alſo two others charging the Priſoner with the murder of John Hanſon and Henry Johnſon, were preferred and found at the Admiralty Seſſions, held at Juſtice Hall in the Old Bailey, on Wedneſday the 18th day of December laſt; but as the trial of Thomas Bennett, (charged with murdering a lad on board the Ship of which he was maſter) occupied the whole of that day, Captain Chapman was not put to the bar until the morning of the 19th, when a motion was made by his Counſel to poſtpone his trial, upon an affidavit ſtating the abſence of a Captain Brown, who was conſidered a material witneſs on his behalf, and who was then at Liverpool; and the Court in conſequence of this application was adjourned until Monday the 11th of January.

At ten o'clock on that day the Priſoner was put to the bar, and upon the names of the Jurymen who were ſummoned being called over, the Priſoner's Counſel challenged ſeveral of them, and particularly all thoſe who had tried Captain Bennett, and ſome little delay was occaſioned from there not being a ſufficient number in attendance to form the Jury, but ultimately the following Gentlemen were ſworn:——

Thomas Loveland	William Plumley
William Edwards	Caleb Welſh Collins
Joſeph Turner	William Moore
William Rich	Ellis Shipley Lock
William Dixon	Thomas Norton
William Lambert	Charles Gale.

Mr. JERVIS ſtated the Indictment.

MR. SOLICITOR GENERAL,

May it pleaſe your Lordſhip:

Gentlemen of the Jury,

FROM the indictment which has been ſtated, you perceive that the charge againſt the priſoner is for the wilful murder of Robert Dunn, a youth of about eighteen years of age, who was one of the crew of the Apollo ſlave ſhip, of which the priſoner was maſter. That ſhip, Gentlemen, was bound from Liverpool to the coaſt of Guinea; it ſailed from Liverpool on the 8th of Auguſt, 1806, and arrived on the coaſt of Calabar in the beginning of the month of October following, and after remaining there five or ſix months, proceeded on her voyage to the Weſt Indies.

Gentlemen, you will obſerve, that the charge is not that the priſoner deſtroyed this young man by any one of the ſeveral acts of ſeverity ſtated

in the indictment, but that he occasioned his death by a series of ill treatment, during the time he was on board the ship.

Gentlemen, after hearing the imputation against the prisoner, I am sure it is unnecessary for me to remind you, that this case will require your most serious consideration. Every inquiry that respects the death of one of his Majesty's subjects, and upon which the life of another is to depend, is of the utmost importance; and I am sure that you will agree with me, that when such a case presents itself before a Court of Justice for investigation, it demands the most mature deliberation. The present enquiry being of this nature, you will feel the necessity of giving it your most serious attention; but, Gentlemen, in addition to the general importance of cases of this sort, there are peculiar circumstances attending this inquiry, which will require a more than ordinary attention on your part, to the evidence which will be this day laid before you.

Gentlemen, we have often observed from experience, that masters of vessels are liable to imputations of crimes without foundation; the crew are frequently urged by improper motives to make unfounded charges; they are often occasioned by the meritorious conduct of the captain, who, by exercising the necessary discipline over those who are under his command, excites their resentment

againſt him; therefore, a charge of this kind is not to be too eaſily received. But, Gentlemen, while we are preſerving the diſcipline of his Majeſty's navy, and all the ſhips in our employ, we are to be careful that we do not permit immoderate puniſhment or exceſſive ſeverities to be inflicted with impunity, which is no leſs injurious to that diſcipline than it is to humanity. Whether the cruelties which the priſoner is charged to have uſed toward the deceaſed were actually committed, or whether the witneſſes have accuſed him without foundation, it is your buſineſs to inquire; and I am perfectly ſatisfied that you will diſcharge your duty honeſtly and conſcientiouſly, when you ſhall have heard the whole of the caſe.

Gentlemen, the witneſſes againſt the captain will of courſe conſiſt of the crew, who, to the number of five or ſix, will appear before you, and amongſt them is Mr. Scott, the ſurgeon; and it is but fair that I ſhould admit that ſome of thoſe witneſſes were certainly engaged in a diſpute with the Captain ſoon after the veſſel arrived on the coaſt of Calabar; ſome of the circumſtances that attended it interfered with the authority of the captain; I will not ſay they amounted to actual mutiny, but they were of ſuch a nature that ſeveral of the crew quitted the ſhip, and were for a time abſent from their duty. You will alſo find, that the charge againſt the priſoner, for having

cauſed the death of the deceaſed, is not made until ſome time after the veſſel arrived in the Weſt Indies: I think it was for the firſt time mentioned at Montſerrat; there the priſoner was arreſted; he was ſent home, accuſed with this offence, and he now appears before you to take his trial.

Gentlemen, when you ſhall have heard the detail of the ill treatment which the witneſſes will ſtate to have been exerciſed by the priſoner upon the deceaſed, two principal circumſtances will ariſe for your conſideration; in the firſt place, you muſt be ſatisfied that the facts are truly repreſented as they really occurred, and that the ſtatement of the witneſſes for the proſecution is an unvarniſhed narrative of what took place; and ſecondly, taking the facts to be true, you muſt be quite ſure, not merely that the priſoner has conducted himſelf with great cruelty, but that his ill treatment of the deceaſed occaſioned his death; that is, that it either actually produced or accelerated it; and on the part of the proſecution, it is incumbent to ſuſtain the affirmative of both propoſitions, viz. that the various acts of cruelty which will be related by the witneſſes actually took place, and that they occaſioned or accelerated the death of this young man. In the firſt place, you will find that this boy, who was eighteen years of age, came on board at Liverpool, in perfect health, on the 8th of Auguſt, and that he continued ſo until their

arrival on the coaſt of Guinea; he there appeared to have a trembling in his limbs, which the witneſſes repreſent to be ſomething like St. Vitus's dance; and alſo ſome boils or ſores upon his legs, which in that climate are produced by the bite of the muſquito flies, but which boils were not likely to affect his health. It is ſtated by the witneſſes, that the ill treatment the deceaſed received from the priſoner's hands, and by which he occaſioned this boy's death, was inflicted after the veſſel arrived at Calabar; and I think you will collect from them that the extreme ſeverity with which he was uſed commenced in the early part or middle of January, and after a perſon died who was gunner of the ſhip, which I believe was on the 17th of January. Your chief inquiry will be directed to the interval from that time till the youth's deceaſe, which happened on the 31ſt of March, five days after the veſſel quitted the coaſt of Calabar.

Gentlemen, ſome of the witneſſes deſcribe this boy to have been miſchievous, lazy, and idle; the captain therefore might have juſtly and properly inflicted upon him a moderate degree of puniſhment; but, Gentlemen, I am afraid you cannot attribute the conduct of the priſoner to a deſire to correct the bad habits of the boy; for, if the witneſſes are entitled to any credit, you will diſcover another motive operating on the mind of the

priſoner, which will account for his exceſſive cruelties. You will find that the deceaſed was brother-in-law to the wife of one of the owners, and was an apprentice, not I believe to the priſoner, but to ſome other perſon, and was ſent on board the ſhip for improvement as a mariner. It appears by the declaration of the priſoner, that he ſuſpected him to be ſent on board as a ſpy on his conduct, and that he would give the trade in which he was engaged a bad name.

Gentlemen, I muſt ſolicit you not to permit your minds to receive any impreſſions againſt the priſoner on account of the trade he was employed in; it was at that time a lawful trade, and if he conducted himſelf in it properly, there would have been no blame attached to him; and there is no part of the evidence that imputes to him any improper conduct toward the numerous ſlaves on board this ſhip, although there were on board between two and three hundred. You will not therefore, Gentlemen, ſuffer the ſituation of the priſoner to operate to his diſadvantage, but rather to the contrary, from the nature and importance of the charge committed to him, and the neceſſity of a ſtrict attention to the diſcipline and good conduct of all under his care.

Gentlemen, I was ſtating to you the declarations made by the priſoner to the deceaſed, in which he expreſſed the ſuſpicions he entertained

againſt him, and to which he added, that he would take care that the deceaſed ſhould never return to Liverpool to tell tales; and particularly, referring on ſome occaſions to a perſon of the name of Williamſon, who had then recently died, he ſaid "that he (Williamſon) was gone to hell, and that this boy ſhould ſoon follow him there." The witneſſes will tell you, that theſe expreſſions of reſentment againſt the deceaſed, and his determination to deſtroy him, were frequently repeated, and that the cruelties he afterwards inflicted upon him, and which are ſtated in the indictment, in their opinions were for the purpoſe of carrying his threats into execution.

Gentlemen, it is fit that I ſhould caution you particularly to watch the evidence of Scott, who was ſurgeon on board this ſhip. He was bound from his ſituation, in obedience to an act of parliament, to keep a correct journal of whatever related to the health of the crew and the ſlaves on board; and he was alſo bound by the ſame act of parliament to render an account upon oath of the deaths, and of the cauſes which occaſioned them, of any of the crew, at the firſt Britiſh port at which he ſhould arrive. He did keep a journal or mortality liſt, in which the cauſes of the death of this youth and of others who died on board are particularly mentioned. I think you ought to check the teſtimony he gives to day reſpecting the death of this youth, with the account he gave upon oath in the

mortality liſt. In the mortality liſt which I hold in my hand, he repreſents Robert Dunn to have died on the 31ſt of March by debility, and the firſt account which is given in this journal of his being ill is about the 15th of March: and the following are the entries which are made reſpecting the deceaſed.

"1807, March 15th, Robert Dunn, eighteen "years. He is much relaxed and debilitated. "Extremely nervous, having a conſtant tremor "and convulſive motion, particularly in his hands, "when in action: this paralyſis or nervous irrita- "tion was more or leſs in his ordinary health, and "lately has become greater in proportion as he has "become more weak. He has had ſeveral attacks "of pyrexia from eating almoſt any ſort of food, "particularly vegetables, the produce of the coun- "try, and meat to exceſs: with this, and want of "action in himſelf, he became reduced and weak.— "20th. He ſeems quite obſtinate in every thing "told him; is indolent to extreme; and becomes "more debilitated.—31ſt. Died."

Gentlemen, that, I believe, is all the account contained in this mortality liſt or journal reſpecting the deceaſed, and the cauſes of his death; and there is nothing certainly, by which any miſconduct can be traced to the captain, much leſs that he occaſioned his death by any ill treatment.

Gentlemen, undoubtedly a different account

will be given you to day. The ſurgeon will poſitively ſwear that the ill treatment the boy Dunn received from the captain occaſioned his death, and it will be for him to explain why, if it was ſo, he did not give that narrative in the journal. Gentlemen, the account he will give you why he did not introduce it in the journal, is, that it was kept under the authority and control of the maſter, and ſubject to his daily inſpection; and that he was apprehenſive of ſome fatal conſequences to himſelf if he had inſerted the truth. It will be for you to judge whether this reaſon for his conduct is ſatisfactory, and whether it was from terror and fear of being puniſhed that he inſerted the account in the mortality liſt as it now appears. But, Gentlemen, you will find that the caſe does not reſt ſimply upon the evidence of the ſurgeon. The crew conſiſted originally of twenty-five ſeamen, fourteen of whom from the climate and other cauſes died, others were preſſed in the Weſt Indies, and four of the ſurvivors will appear before you as witneſſes this day.

The account which theſe witneſſes will give, is that the deceaſed, for a very trifling fault which he committed in the outward-bound voyage, received five dozen laſhes with an inſtrument uſually employed, called a Cat; that he was made to ſtand naked at the barricado door; that he had one ſide of his head ſhaved, and his belly blacked

with tar, and was ſeldom permitted to wear any thing but a ſhirt (the ſhaving his head and tarring his body were done merely for the diverſion of the ſlaves on board, and I do not think, myſelf, that thoſe circumſtances would in any way operate to injure his health); that he was expoſed without his cloaths to the wet weather; that the priſoner told him, he would kill him, that he was ſent as a ſpy, and he would take care he ſhould never go back to Liverpool again; that the priſoner cauſed him to be hung up by the heels with his hands barely touching the hatchway, for no leſs a time than four hours, and till he was almoſt in a ſtate of phrenſy; that one night he was hung up with a chain round the middle until his cries and moans were ſuch as cauſed the priſoner to come and releaſe him; that he was daily puniſhed for the moſt trifling faults; that he was not only beat with the tails, but the handle of the cat; that for a long time prior to the time of the death of Dunn, the priſoner refuſed to give him any meat or grog, or to let him have any thing but yam or bread to eat; that the priſoner threatened to flog any of the crew if they gave him any thing to eat; that the key of the water caſk was kept from him, and the priſoner ordered that he ſhould be allowed only three panakins a day* (this is but a ſmall allowance for a youth in

* A Panakin is half a pint.

ſuch a climate, but he occaſionally by ſtealth was ſupplied with more); that the priſoner ſtruck him with a handſpike, which is a wooden inſtrument uſed for the purpoſe of turning the windlaſs; and only a ſhort time before his death, they ſaw the priſoner take a handſpike and beat him ſeverely about the head and ſhoulders, and tear the ſhirt from his back; that the blood flowed from his head profuſely; and that after his being knocked down with the handſpike, the priſoner punched him with the end of it as he lay on the ground. After that time the deceaſed is repreſented to have lain down in the forecaſtle, where he died.

Gentlemen, the witneſſes will deſcribe, ſome, one act of ſeverity and ſome another; but I believe they will all relate declarations of the priſoner ſimilar to the one mentioned by the ſurgeon, "That the deceaſed was ſent on board by the owners as a ſpy, and he would take care he ſhould never ſee Liverpool again;" that he one time aſked the deceaſed if he thought he ſhould ever ſee Liverpool again? He anſwered, yes, he hoped he ſhould; that the priſoner replied, "I will take damn'd good care you ſhall not."

The ſurgeon will tell you, Gentlemen, and which is repeating again what has been before ſaid, that the deceaſed was hung up four hours together by the heels, and two or three hours by the wriſt; that his arms were at times ſtretched

out with a broom-ſtick, and the priſoner ſwung him round, and the negroes were called to laugh at him; that the deceaſed has been tied hands and feet together, and rolled round the deck by the priſoner, who has ordered him to be tied in that poſture all night; but in point of fact it does not appear that this order was put in execution.

There is one circumſtance which will be deſcribed by all the witneſſes as having occurred a ſhort time before the death of Dunn, I believe about three weeks. The deceaſed was ordered by the captain to attend the ſlaves, and empty their tubs. This employment would of itſelf naturally weaken him, as the cargo of ſlaves on board conſiſted, it will be recollected, of as many as two hundred and thirty-ſix perſons. Gentlemen, I muſt take the liberty of cautioning you, not to let this circumſtance, which cannot be laid out of the caſe, have more than its proper effect; for although it exhibits a picture of extreme brutality toward this youth, yet you are only to conſider whether it could have contributed to his death, that being the material point to which your attention is to be directed. The fact I allude to is this: upon the lad happening to ſpill ſome of the ſoil on the deck, the priſoner became very angry, took up a handſpike, and beat him with it a conſiderable time, inſomuch that his head flowed with blood, and in his extreme paſſion he was brutal and filthy enough to thruſt ſome

of the excrement in his mouth, and obliged him to take ſalt water to waſh it down.

Gentlemen, the witneſſes deſcribe, that after this beating with the handſpike, they ſaw the priſoner give Dunn another cruel beating over the head with the handle of the cat. The witneſſes do not recollect the exact times when theſe acts of ſeverity took place, although the dates are certainly material; but the beating I have juſt mentioned muſt have been given him ſhortly before his death, as the witneſſes ſtate it to have taken place after that inflicted with the handſpike, which Scott ſays was three weeks before he died. The witneſſes alſo ſtate, that at another time Dunn received five dozen laſhes for having eaten a bit of fowl, which was given him by one of the crew who was ſick. The laſt time the witneſſes ſaw Dunn beaten by the priſoner, was three or four days before he died; at that time his eyes were almoſt cloſed; he was lying with the pigs in the forecaſtle, where he had eaſed himſelf, which the priſoner ſeeing, he went and punched him with a handſpike; upon which Dunn cried out very faintly, as he was then near his death. The witneſſes afterwards ſaw him ſtill lying upon the forecaſtle, making a kind of moan; and on the morning of the 31ſt of March, he was diſcovered dead, by ſome of the crew, upon which the priſoner, who was upon deck, ordered him to be thrown overboard.

Gentlemen, during the period I have deſcribed to you, no food or medicine were applied to him. The witneſſes repreſent that his belly was ſunk in on one ſide; that his body was covered with black bruiſes; that the marks were very viſible, that were given him by the priſoner with the punches of the handſpike; his eyes were ſwoln; and the hair of his head covered with a gore of blood.

Gentlemen, whether the medical perſons who are preſent will be able to ſtate to you what was the occaſion of his death, you will hear from them, when the other witneſſes have been examined. They will tell you whether or not, from all the inſtances of cruelty and ſeverity, they can account for his death, and for his dying in the manner he did; whether by debility, occaſioned by thoſe acts of ſeverity and long continued ill treatment, which were inflicted upon him from the 18th of January till the 31ſt of March; and their evidence will be one of the principal ſubjects for your conſideration.

Gentlemen, after the veſſel arrived in Dominica in the Weſt Indies, the ſurgeon there delivered in the mortality liſt which I have ſtated to you. You will obſerve, that the veſſel's arrival on the coaſt of Calabar was early in the month of October. It remained in that tropical climate five months, with a great number of ſlaves on board. The voyage of the middle paſſage could

not have occaſioned the boy's death, becauſe it took place five days after the veſſel left the coaſt of Calabar. The veſſel arrived at Dominica on the 4th of June—no charge was made there; about the middle of June the veſſel arrived at Montſerrat, and there a charge was made againſt the priſoner to the magiſtrate, a Mr. Herbert; and on the 20th of July the priſoner was taken into cuſtody: he was ſhortly afterwards ſent on board his Majeſty's ſhip Belleiſle, and from thence removed to the Northumberland, which arrived in England in the latter end of laſt September, bringing the priſoner and the witneſſes. In removing the priſoner from Montſerrat to the Belleiſle, he was placed on board the bark Hazard; and during the time the priſoner was on board this veſſel, the depoſitions which had been taken againſt him at Montſerrat, and which had been committed to the care of the captain, were loſt. In the voyage homeward in the Northumberland, beſides the priſoner, Scott the ſurgeon, and the witneſſes, there was a marine of the name of Evans; and I ſhall give in evidence againſt the priſoner what will tend to ſhew that he was conſcious of ſomething extremely improper being imputable to him, from a ſeries of letters written with his own hand, and while the witneſſes were on board the ſame ſhip, addreſſed to two of them, one of the name of Berrian, in which very conſiderable offers were

made to them to run away, or to unite in the ſame ſtory, and give evidence againſt the doctor, or to mitigate the affair in his favour. Looking forward to a future inquiry that was likely to take place in this country, he entreats them to be united—to be of one mind in the account they would have to give of what paſſed on board; and accompanied this with a promiſe, I think, of one hundred pounds, to be diſtributed among them. The priſoner was in ſtraitened circumſtances, having ſold his clothes, bed and bedding, and his watch, to raiſe money to give to ſeveral of theſe perſons, with a view of influencing them to give their teſtimony in his favour.

Gentlemen, you will find there is alſo a letter addreſſed to the doctor on board, with whom he endeavours to produce a reconciliation, by apologizing for a puniſhment he had inflicted upon him, and entreats him to mitigate thoſe circumſtances that had been alleged againſt him.

Gentlemen, you will obſerve this is only general evidence, and does not go to eſtabliſh the preſent charge in particular; the effect of theſe letters is to ſhow a conſciouſneſs of ſomething being imputable to him, and an attempt to gain over theſe witneſſes, and by undue means to influence their teſtimony in his favour, prior to the inquiry taking place.

Gentlemen, I believe I have ſtated to you faith-

fully the circumſtances of the caſe. The two things for you to attend to are, firſt, to be ſure that the facts are truly related; and in order to form your opinion you will attend to the teſtimony given by the ſurgeon and the crew of the veſſel, to the obſervations of his Lordſhip, and to the evidence of the medical gentlemen who will be called to aſſiſt with their judgment: you will then be enabled to decide how far theſe circumſtances of ill treatment all together did or did not occaſion or accelerate the death of Robert Dunn. If you ſhould be of opinion, that the death of this youth was occaſioned or accelerated by the ill treatment he received from the priſoner, in either caſe it will be your duty to find him guilty of the charge contained in the indictment.

John Scott ſworn. Examined by Mr. JERVIS.

Q. Were you Surgeon of the Apollo during her late voyage to the coaſt of New Calabar?—A. Yes.

Q. When did ſhe ſail from Liverpool?—A. She ſailed about the 7th or 8th of Auguſt, 1806.

Q. Of what number of perſons did the crew conſiſt?—A. Twenty-five, including the maſter and me.

Q. Was there on board a lad named Robert Dunn?—A. Yes, there was; he was a relation to one of the owners; he was brother-in-law to Mr. Brade.

Q. What age was he?—A. He might be about ſeventeen or eighteen.

Q. What was the ſtate of his health when he came on board the Apollo?—A. He was in a very good ſtate of health.

Q. When did the Apollo arrive off the coaſt of Guinea?—A. It arrived in Guinea about the 8th of October, 1806, off the coaſt of Calabar.

Q. Did the captain do any thing to Robert Dunn?—Yes, ſometimes.

Q. Relate what you have ſeen him do.—A. He beat him out of the cabin, and turned him forward, and treated him ſadly by flogging him. He was ordered by the owner to meſs in the cabin.

Q. How long did the veſſel lie off the coaſt of Calabar?—A. Nearly five months.

Q. Do you recollect the captain doing any thing to Dunn during the time the ſhip lay off the coaſt of Calabar?—A. Yes; I have known the captain to tie him up by the heels.

Mr. Juſtice Le Blanc.—Begin your account of what you have ſeen the priſoner do, by mentioning the order of time in which it took place, ſo far as you recollect. Now, is what you have

mentioned the firſt time you ſaw any thing done by him?—A. No; the deceaſed was flogged with cats prepared on purpoſe; he had five dozen laſhes at one time; the tails of the cat were made of log line; they were very long, and knots on each tail: the handle was conſiderably heavy; it was made of hickory, or ſome wood of the country.

Mr. Jervis.—Did he inflict this flogging upon him himſelf, or order it to be done?—A. Sometimes he did it himſelf, and ſometimes he ordered it.

Q. The firſt time which you have mentioned, was that done by the priſoner himſelf?—A. Yes, by himſelf.

Q. You have deſcribed the handle of this cat as being of great weight: was there any thing done by the priſoner with the handle?—A. I have known him take the tail in his hand, and I have known him to beat him with the handle on his head, which cauſed a conſiderable ſwelling on his head, and likewiſe it has cut his head in ſeveral places, and he has bruiſed ſeveral parts of his body beſides.

Q. You have deſcribed the manner in which he was beaten; that it occaſioned a ſwelling on the head, and cuts and bruiſes on ſeveral parts of his body: what effect did it produce on the boy?—A. It produced a kind of ſtupidity, by the appearance of his countenance, and a bleeding at

the back part of his head; and the top of his head and temples bled from the bruiſes.

Q. Any other parts?—A. I have known his noſe to bleed in conſequence of the bruiſes.

Mr. Juſtice Le Blanc.—How long after the arrival of the ſhip on the coaſt of Guinea was this?—A. It commenced ſoon after we arrived on the coaſt, and it did not end till the boy's death, which was after we ſailed from the coaſt.

Mr. Jervis.—Can you fix any particular date?—A. I cannot: this certainly was about two months after we arrived on the coaſt of Calabar.

Q. Do you recollect the death of the gunner, Henry Smith?—A. It was before that.

Q. What day did he die?—A. He died on the —*(Witneſs looking over a book)*.

Mr. Jervis.—It is the 18th of January, I believe?—A. Yes; the 18th of January.

Q. How long was this before he died?—A. Some time, I cannot exactly ſay; near three months before the boy died.

Q. Did you ever hear the captain give any reaſon for this ſort of conduct?—A. I have; I have heard him ſay he was ſent out a ſpy on his conduct.

Q. Can you fix a date to that?—A. I cannot fix a particular date: I have heard him ſay it more than once or twice. I have heard him repeatedly ſay that he had been ſent out as a ſpy on his conduct; that, if they could not get quit of him at

home, he would get quit of him; that it was ſuch as him that would tell tales of him; and that it was ſuch as him that gave the trade a bad name.

Q. You deſcribed the boy to have been in a good ſtate of health when he came on board the Apollo?—A. Yes.

Q. You have alſo ſtated the ill uſage he received from the priſoner; what was the ſtate of his health at that time?—A. He became greatly emaciated by the frequent beatings; ſo much ſo, that he was ſcarcely able to walk.

Q. What did that proceed from?—A. From the beatings and the hunger he ſuſtained alſo.

Q. Deſcribe the particular ſymptoms. As a medical man, you are able to deſcribe them.—A. There was an emaciated appearance all over his body; he appeared more ſtupid than before, on account, as I ſuppoſe, of the blows on his head, and the very bad treatment he received. He was emaciated greatly. There was no diſeaſe as I know of.

Q. That was after the arrival of the veſſel at New Calabar?—A. Yes.

Q. Was there any thing the matter with his legs?—A. He had ſlight ſores; they were not of much conſequence; they came from the bites of the moſquito flies, after we arrived on the coaſt, and not before.

Q. Had he any trembling in his hands?—A. He

was naturally of a nervous diſpoſition, that he had from his birth a kind of paralytic affection.

Q. Did you obſerve that when he firſt came on board?—A. Yes.

Q. Did it increaſe upon him?—A. It increaſed upon him as he got emaciated upon the coaſt, but not very much.

Q. You have deſcribed the beating him with the cat: deſcribe any other act of ſeverity which the captain uſed to this boy.—A. I have known him hang him up by the heels with his hands ſuſpending downwards: I have known him to have kept him in that ſituation for three or four hours at a time.

Q. Can you fix a date to that?—A. I believe it was both before and after Smith's death: it was frequently done.

Q. You are ſpeaking of this act being done more than once?—A. Yes; more than once.

Q. How long was he ſuſpended at a time in this manner?—A. I have known him ſuſpended from eight o'clock in the evening till twelve at night; I have known the maſter order him to be taken down between eleven and twelve o'clock, upon account of his howlings, becauſe he could not get any ſleep.

Q. What was the effect this had on the boy?—A. It cauſed a numbneſs in his legs, and want of circulation. I have known him faſten him by the

barricado door ſuſpended. He cauſed one of his arms to be tied up to the maſt, with tackle and bolts to the other, and the whole weight of his body bearing upon his wriſt.

Q. For what length of time have you known that to be continued?—A. I have known him in that ſituation for an hour or two.

Q. Deſcribe this fully. How long have you known him continue in that ſituation?—A. For a couple of hours with his hands extended; I have known it more than once.

Q. How often have you known it done?—A. Twice a week for a conſiderable length of time, or three times a week.

Q. Was there any particular cauſe for this ſort of treatment?—A. The cauſe was, he took great delight in torturing the boy.

Q. You do not underſtand me, perhaps. Did he do any thing to cauſe this puniſhment?—A. He ſometimes ſtole ſugar or melaſſes when he could get at it: he was puniſhed for no particular crime.

Q. Did the puniſhment follow ſuch a crime?—A. No; the puniſhment followed upon account of his not cleaning the ſlaves' tubs; upon account of that he would be puniſhed.

Q. Then theſe puniſhments were all inflicted for offences the boy did?—A. And ſometimes for no offence.

Q. What effect had this puniſhment on him?—

A. It occaſioned a numbneſs in his arms. I have frequently felt his arms: I could feel no pulſe at the wriſt.

Q. Deſcribe as nearly as you can the order of time.—A. I have known him keep him faſtened at the barricado door, and ſtrip him naked.

Q. Faſtened in what manner?—A. Sometimes with a chain round his ſhoulders, or round his neck, ſtripped naked.

Q. Was that done once, or more than once?—A. More than once: I cannot repeat the number of times. It has been done repeatedly.

Court.—With a chain round his body?—A. Yes; he has continued at the barricado door ſtripped naked, expoſed to the heat of the ſun.

Q. Do you recollect whether any thing had been done to any part of his body previous to his being ſo placed?—A. He had been beaten frequently with the handle of the cat, and flogged.

Q. I do not mean that. Was any thing done to his head?—A. One half of his head had been ſhaved at one of the times that he was faſtened to the barricado door, and the captain painted different parts of his body with black and red paint and tar.

Q. Who ſhaved him by the captain's order?—A. I ſhaved the ſlaves in general: I had the razors handy. He ordered me to ſhave one half of his head.

Q. How came you to do that?—A. I durſt not refuſe. I ſhaved one half of the boy's head. He tarred and painted his body, and ſometimes he would get hold of the cat, and give him a flogging while he was in that condition.

Q. While he was tied with the chain at the barricado door, do you recollect any other act which the captain did?—A. Yes; I knew him, one time, when the boy was very much debilitated,—he was emptying the ſlaves' tub by the order of the captain: as he was carrying it forward on the deck, he upſet it. I cannot fix the date of that tranſaction; it was a little before we ſailed from the coaſt. The captain came forward; he ſaw it: the captain got a handſpike.

Q. Deſcribe what a handſpike is.—A. It is a long piece of wood that they heave the windlaſs round with; the thinneſt part is about the thickneſs of my wriſt: it goes thicker towards the other end: the thickeſt part is about the ſize of my arm *(ſhowing the thick part of his arm)*. It is about four feet long. The inſtrument was uſed for heaving the anchor by means of the windlaſs. With this handſpike I ſaw him knock him down among the dung, and I ſaw him beating him after he was down.

Q. Deſcribe the manner in which the priſoner beat Dunn upon that occaſion.—A. He beat him by taking and doing as one would with a ſtick,

and he punched him with the end of it. He firſt knocked him down among the dung, and, after he was down, he beat him with the handſpike, and then punched him; and he alſo jumped upon him with his feet.

Q. How long did he continue to do this?—A. About ſix or eight minutes.

Court.—Do you mean jumping upon him for ſix or eight minutes?—A. No; beating him and jumping upon him all together.

Jury.—Which end of the handſpike had he in his hand when he beat the deceaſed?—A. I believe he had the ſmall end in his hand; I think ſo. I ſaw him take hold of the ſmall end when he knocked him down; whether he turned it, I cannot ſay.

Mr. Jervis.—When he knocked him down, in what part did he ſtrike him, his breaſt or his back?—A. I ſaw him punch him with the large end of it when he was down; he jumped upon him more than once.

Q. What part of his body did he jump upon?—A. On his back and ſides. The boy was laying down flat on the deck among the things, ſometimes on his belly, ſometimes on his back.

Q. How long before the boy died?—A. I do not think it was a month before he died; it was not ſo much as three weeks perhaps: he took up ſome of the dung, and called for a marlineſpike to open his mouth: he could not get a marline-

ſpike that I ſaw. A marlineſpike is an inſtrument they ſplice ropes with. He put the dung in his mouth, and inſiſted upon his ſwallowing it, ſaying he was not the firſt that he had ſerved ſo. I heard this myſelf.

Juryman.—I would wiſh to aſk, whether the large end of the handſpike was ſquare or round.—A. It is made to fit the hole of the capſtan: it was ſquare.

Mr. Jervis.— You were deſcribing acts of great violence; his jumping upon him?—A. Yes.

Q. Did that act require your attendance as ſurgeon?—A. There were ſeveral cuts upon his head.

Q. I wiſh to know whether, in conſequence of the treatment that you laſt deſcribed, or in conſequence of any other act, your attendance was neceſſary?—A. In conſequence of this, his head, by the beating with the handſpike, was cut and ſwelled in ſeveral places. He was bruiſed in his back and ſhoulders. I did not apply any thing to him.

Q. Was it your duty to attend the different perſons on board the ſhip?—A. It was: I could not ſee that I could do any thing to theſe bruiſes: he was liable to be beat every minute again.

Court.—Did you never dreſs any of his bruiſes?—A. Yes, I have; both before and after that tranſaction of the handſpike.

Q. Did you dreſs him after that?—A. Not immediately.

Q. How ſoon after theſe bruiſes did you dreſs him?—A. I did not apply any thing to the bruiſes; but to the holes that he had, I applied a pledget. When I had an opportunity to go forward, I applied dreſſings to his legs, and alſo to his head ſometimes.

Juryman.—How long after this tranſaction did you apply any thing to him?—A. I cannot anſwer that queſtion exactly: at that time I had a great deal to do.

Mr. Jervis.—Did he continue capable of his duty?—A. He did a little duty, but not much, after that. The captain inſiſted on his cleaning the ſlaves' tubs, and doing duty in the head of the ſhip; but he was very incapable.

Q. Was he capable of doing that duty generally before the laſt beating you have deſcribed?—A. He was capable, before that, only a very ſhort time.

Q. After this beating, was he capable of doing the ſhip's duty?—A. Yes; he cleaned the ſlaves' tubs in the head, which was his chief duty, before and ſome time little after that.

Juryman.—Do you remember how many times he beat him on the head?—A. I do not remember how many times.

Q. Were there any cuts on his head?—A. Yes; They were occaſioned by the handſpike.

Mr. Jervis.—How many ſlaves were there on board originally?—A. About two hundred and thirty-ſix. There was a conſiderable number died.

Q. What effect had the cleaning the ſlaves' tubs on the boy's health?—A. The cleaning the ſlaves' tubs fatigued him very much, in his debilitated ſtate.

Q. Can you deſcribe any other act of cruelty upon the boy by the priſoner?—A. Yes; I have ſeen him beat him with the handle of the cat and alſo with the tails after this.

Q. Do you recollect any other act before the time when the ſhip left the coaſt?—A. I recollect no other particular act than that the beating was frequently repeated with the handle of the cat and the tails: his head and face were very much ſwelled, that he could not ſee out of his eyes, before he died.

Q. On what day did the ſhip leave the coaſt? But I will put another queſtion to you firſt: Do you recollect in what way the boy was fed?—A. No meat, and only a ſmall piece of yam, in the courſe of twenty-four hours. When we were on the coaſt of Calabar, he was allowed no beef or pork, and only a piece of yam.

Q. About what quantity?—A. It weighed about a pound.

Q. Was he allowed as much as he could eat of yam?—A. I don't think he was.

Q. How long was he continued upon this allowance?—A. For a number of days, for a conſiderable length of time, for weeks.

Q. Was it continued for ſeveral weeks together after you arrived on the coaſt?—A. Yes; while we were laying on the coaſt of New Calabar.

Q. Can you tell us how many weeks?—A. No, I cannot.

Q. Try, and recollect as well as you can.—A. I dare ſay three or four weeks, though I cannot be certain.

Q. Was he afterwards reſtored to the ſhip's allowance of beef and pork?—A. No; he was not. At laſt, before he died, he was ſo emaciated, that he loſt his appetite. I do not recollect it being allowed him afterwards; if it was allowed him, he had loſt his appetite: he ate nothing.

Q. Do you recollect whether he uſed to have the regular allowance of water?—A. He was ſometimes refuſed a drink of water alſo. I have known it frequently denied him.

Q. Do you mean that he was denied it when he aſked?—A. There was a gun barrel that contained water, and this he was denied going to. He could only get a drink of water when it was unlocked.

Q. Had he not the means of getting it from the

gun barrel as well as you?—A. He had, if he had been allowed. Henry Smith was ſentry at the barricado door; he kept the key of the ſcuttle caſk; he kept ſentry, and prevented him from getting any. What was allowed him was given in a panakin.

Q. What have you heard the priſoner ſay upon the fact of allowing him water?—A. I have heard the boy come and aſk for water, and I have heard the priſoner ſay, "D—n him; he ſhall not have water." I have heard him at particular times denied it.

Court.—You ſay he was allowed only yam, and no beef or pork: had he, in fact, any other proviſion? Do you mean to ſay that during that time the boy never ate any thing but yam?—A. I have heard ſome of them ſay that he had taken ſome of their beef at times; I never gave him any thing.

Q. Was the yam dreſſed?—A. It was boiled.

Q. Was the quantity of yam he had ſufficient to keep him alive? Though not to give ſtrength, might it be able to keep life for a time?—A. He got debilitated by it and by the beatings. It might be ſufficient to ſuſtain life for ſome length of time.

Mr. Jervis.—Are you able to ſay, as a medical man, whether a ſmall quantity is not capable of ſuſtaining life for a conſiderable time?—A. I think it is.

Q. At what time did the ſhip leave the coaſt?—

A. I believe the ſhip left the coaſt on the 26th of March, and the boy died on the 31ſt of March, off the iſland of Princeſs.

Q. Do you recollect any thing being done by the captain that you ſaw yourſelf?—A. The boy lay upon the forecaſtle. His belly was ſhrunk in. He was in a ſtate of blindneſs.

Q. About how long was he lying in the manner that you have deſcribed?—A. He was laying in the manner I have deſcribed four or five days. He laid in the forecaſtle, with his great coat over him.

One of the Jury.—Did the boy apply to you for any medical aſſiſtance while he lay there ſo bad?—A. No; he did not.

Mr. Jervis.—He laid four or five days in the manner you have deſcribed?—A. Yes.

Q. How long had his eyes been ſwelled in the manner you have deſcribed?—A. His head had been ſwelled a good while before; but three or four days before he died his eyes ſwelled prodigiouſly: it came from the bruiſes he had received.

Q. Had he received any blows with the hand-ſpike that you ſaw?—A. About three or four days before he died, I believe the priſoner did not beat him after he was in that ſtate of very great weakneſs. I did not ſee him beat him when he was laying in that ſtate.

Q. I am aſking, before he was in that ſtate,

whether you ſaw the priſoner beat him, and in what manner?—A. When he overſet the tub was the ſevereſt beating, but he beat him after that.

Q. How long before he died did you ſee the priſoner for the laſt time beat him?—A. About a week it might be I ſaw the priſoner beat him. I recollect it was about a week before his death that he beat him with the handle of a cat and with the tails.

Q. Did you ſee him beat him after you left the coaſt?—A. Not, as I recollect.

Q. Whereabout did he ſtrike him with the handle of the cat?—A. He ſtruck him promiſcuouſly upon the head or back, where he could get at him. I have ſeen him hit him upon the head with the handle of the cat. The laſt time I recollect he beat him was upon the head and ſhoulders: I do not recollect what it was for.

Q. You do not recollect hearing the priſoner ſay any thing?—A. I do not, indeed.

Q. I want to know whether you ever gave the boy any ſurgical attendance?—A. There was no medicine that I gave him: I gave him ſome phyſic, upon account of the ſores upon his legs. On the forecaſtle I did not give him any thing. I could not think of any thing that would relieve him.

Q. Did you dreſs his wounds while he lay in that ſtate?—A. I do not recollect.

Court.—During theſe four or five days you do not recollect doing any thing to him?—A. No.

Mr. Jervis.—How came you not to attend him?—A. I had very much to do among the ſlaves. If I had paid any attention to him, and been out of the way from attending the ſlaves, I ſhould have been beat by the captain.

Q. Was it the apprehenſion that you ſhould have been beat that cauſed you not to attend to this boy?—A. Yes.

Q. That you ſwear?—A. Yes.

Q. You have deſcribed a conſiderable ſwelling over his eyes. Were they ſwelled without being diſcoloured?—A. His whole forehead was puffed up like a ſponge; the head upon the touch appeared quite ſoft and ſpongy: the fore part of his head and his eyes were ſwelled up in a prodigious manner. His head appeared twice the ſize of its natural ſtate from that ſwelling. I do not remember whether the ſwelling upon his eyes was diſcoloured or not; I rather think it was not: but the ſwelling communicated from his head to his face and eyes.

Q. Did you ſee him after he was dead?—A. I did.

Q. When did you firſt perceive him dead?—A. There were ſome people that were forward that perceived him dead. I ſaw him after he was dead.

Q. When had you ſeen him before?—A. I had ſeen him frequently before in the courſe of the day.

I dare ſay that I might not ſee him an hour or two before he died.

Court.—Have you any recollection of the preciſe number of hours?—A. I do not diſtinctly recollect the number of hours.

Mr. Jervis.—What time on the 31ſt did you ſee him when he was dead?—A. In the forenoon or morning.

Q. What part of the day? Tell more preciſely than that.—A. I cannot recollect the hour exactly; it was in the fore part of the day. I had ſeen him that morning before.

Q. Had you ſeen him alive that morning?—A. It was as much as he was. I could not perceive much circulation. I felt his arm.

Q. That was the morning of the 31ſt?—A. I think it was.

Q. Have you any recollection on the ſubject whether it was on that morning or not?—A. I have not.

Q. You have no diſtinct recollection?—A. No; I have not.

Q. Can you recollect what time in the morning you ſaw him; I mean the morning he died?—A. I cannot recollect at what time in the morning of the 31ſt when I ſaw he was dead.

Q. You do not recollect you ſaw him alive that morning?—A. Not particularly.

Q. Now deſcribe the ſtate of his body the laſt

time you ſaw him when he was alive?—A. When I laſt ſaw him, I could not ſee his eyes: his eyes were very much ſwelled; you could not ſee he had any, unleſs you lifted up his eyelids. After his death he appeared hunch-backed; his breaſt-bone ſeemed to ſtick out, and his belly ſhrunk in, and he was apparently hunch-backed; his body greatly emaciated, and his face and head prodigiouſly ſwelled and puffed up: there were marks of bruiſes on him, and blood ſticking to the hair of his head.

Q. Upon what part of his body were the bruiſes?—A. The bruiſes were on his back, particularly his arms and head.

Q. You ſay his breaſt-bone appeared to be ſticking out: was this the natural conformation of his body?—A. It was not ſo when he came on board.

Q. You ſay his back appeared hunched?—A. Yes.

Q. Was that the conformation of his body?—A. No.

Q. You ſay the belly was ſhrunk in; was that the conformation of his body?—A. It was not. He was in full habit of body, and very healthy, when he came on board.

Q. When did the body aſſume theſe appearances?—A. It began to aſſume theſe appearances for months before he died; not all of them at one time. I obſerved his breaſt-bone ſtick out, and his belly to ſhrink in and to waſte, for months

before; and I obſerved his body to appear hump-backed for a week or two before he died.

Q. Then, am I to underſtand that you obſerved theſe appearances on his body during his life, and that they did not appear to you to be aſſumed at the time of death?—A. They were not aſſumed in conſequence of the body being a corpſe.

Q. In your judgment as a medical man, from the opportunities you have had of obſerving the priſoner's treatment towards the boy, now ſtate what was the cauſe of his death?—A. I think it was entirely in conſequence of the ill treatment he received. I think that his death proceeded from the ill treatment.

Q. With regard to the ſwelling of the eyes: in your judgment, was that ſwelling occaſioned by St. Antony's fire, or occaſioned by the wounds that he received?—A. I could not ſee *no* diſeaſe of St. Antony's fire: nothing of the kind.

Q. Do you recollect on what day you left Dominica?—A. On the 4th of June.

Q. How long did you remain there?—A. For near a fortnight.

Court.—Twelve days?—A. Yes.

Mr. Jervis.—When did you firſt go on ſhore at Dominica?—A. I went on ſhore one morning to market, to purchaſe ſome vegetables. I believe it was the firſt Sunday or the ſecond; I am not certain which.

Q. Did you go on ſhore to deliver in the mortality liſt?—A. Yes; I went to the collector.

Q. Look at this; and ſtate to his Lordſhip and the Gentlemen of the Jury, whether that is the mortality liſt that you gave in at Dominica with regard to Dunn's caſe?

Court.—Is that your writing and your ſignature?—A. It is my writing.

Mr. Jervis.—The mortality liſt and that annexed appear to be delivered on the 6th of June. I am aſking of the mortality liſt and the journal that were delivered on the 6th of June: were you ſworn to it?—A. I was.

Q. Did the priſoner accompany you to the collector?—A. Yes, he did; he went with me.

Q. Was that the journal kept during the time you were on board the ſhip?—A. I wrote it on the captain's cabin table: it was kept in the cheſt that ſtood in the cabin.

Q. Had he acceſs to it?—A. He had acceſs at any time when he choſe.

Q. Was it a cheſt that was locked?—A. No; ſometimes he uſed to look at it.

Q. Can you recollect whether the entry of Dunn's death was made in the captain's preſence?—A. Yes; the whole of it was made in the captain's preſence.

Q. On the 15th of March there is an entry of

your attendance on this boy, and another of the 20th?—A. Yes.

Q. And on the 31ſt he died?—A. Yes.

Q. Look at it. Were all theſe entries made at the different times which they purport to bear date, or at one time?—A. This was copied from one I made on cartridge paper—this was nearly wrote at one time—copied from the notes that I kept upon cartridge paper.

Q. Were theſe notes made in your own cabin when you were maſter of your own thoughts, or are theſe entries from which you copied that which is in the book? were they made in the captain's preſence?—A. They were all made in the captain's preſence upon the coarſe paper; then copied into this book alſo in the captain's preſence.

Q. Now, Sir, I think you ſaid that you ſtaid at Dominica twelve days? A. Yes; till the 16th of June, or thereabouts.

Q. The entry with regard to Dunn, was that made all at one time?—A. The entry with regard to Dunn, on cartridge paper, was done at more than once or twice.

Q. Is that which is in the book a correct copy? —A. It is nearly a correct copy; that on cartridge paper was ſhorter: I have loſt it, I believe. Part was deſtroyed at the time that all our clothes were deſtroyed in the Weſt Indies.

Q. When did you arrive at Montſerrat?—A. About the middle of June.

Q. The account that you have given us to day is much fuller than what is in the journal.—A. Yes.

Q. How came you not to ſtate fully with regard to the boy's death in the journal?—A. I durſt not have done it: I had reaſon to apprehend my own life in danger if I had given a hint of it, or if I had ſtated the circumſtances in my own journal.

Q. Now you ſay the entry on the cartridge paper was for your own ſatisfaction?—A. It was for me to copy in this journal.

Q. Did this entry contain a true account?—A. It did not.

Q. The priſoner had acceſs to this entry. Had you the ſame reaſon for not entering the facts truly on the cartridge paper as in that book?—A. The very ſame.

Q. When did you arrive at Montſerrat?—A. On the 18th of June.

Q. How ſoon after did you make any complaint to the magiſtrate at Montſerrat?—A. The firſt time I came on ſhore at Montſerrat: I was at Montſerrat one night; I came on board again: I was only there about a couple of hours. The next time I went on ſhore, I men-

tioned the circumſtances of the crime he had committed to ſome people.

Q. You are not to tell us what you ſaid. When did you go before a magiſtrate there?—A. I think it was about the latter end of June that I went before a magiſtrate.

Q. Do you recollect the magiſtrate's name?—A. Mr. Herbert, I think it was.

Q. When you went to the magiſtrate in the latter end of June, did you go alone?—A. I firſt wrote a letter to him.

Q. You are not to tell the contents of that letter.—A. After that he ſent to me, and I went to him. I went with a guide, a little boy, to ſhow me the place.

Q. I believe you were examined by that magiſtrate afterwards?—A. I was.

Q. Were there any other perſons examined there afterwards?—A. There were two more; Henry Smith and William Berrian; after that we were put on board the Hazard ſhip, and the two witneſſes.

Q. Was the priſoner there alſo?—A. Yes.

Q. Did you ſee the depoſitions that had been taken before Mr. Herbert on board the bark?—A. I did; they were ſealed up.

Q. Did you ſee them ſealed up in the preſence of the magiſtrate?—A. I ſaw them made out.

Q. How do you know of your own knowledge

that that parcel contained theſe depoſitions? Do you know it of your own knowledge?—A. I know no more than what I believe.

Q. Then you are not to tell us. You were afterwards, with the other witneſſes and the priſoner, removed on board the Northumberland?—A. Firſt on board the Belleiſle, and then the Northumberland.

Q. Was there a perſon of the name of Evans on board the Northumberland?—A. Yes; John Evans.

Q. Are you acquainted with the priſoner's hand-writing?—A. I am; I have ſeen him write frequently.

Q. Look at that letter, and tell us whether you believe that to be the priſoner's hand-writing?—A. I do. I received it from one Evans, a marine, that is here, on board the Northumberland; there is no date nor any ſignature to it: it was in the morning that I received it, as I was going forward to the ſick bay.

Q. That is, where the ſick perſons are?—A. Yes.

Q. Do you recollect what month it was you received it of Evans?—A. It was the latter end of Auguſt, or early in September. I arrived in England about the latter end of September.

Q. Be ſo good as to look at theſe other letters, and tell us whether you believe them to be the

hand-writing of the priſoner alſo ?—A. I really think they are.

Q. From your knowledge of his hand-writing, do you believe them to be his ?—A. I believe them to be his hand-writing.

Letter read by the Clerk of the Court.

"I AM ſorry that ſuch indifference ſhould have happened between you and me, and flatters myſelf has chiefly been occaſioned from what unfortunately happened between you and me on the night you unfortunately was ſo much overſeen by Mr. Cox, for which I ſeriouſly acknowledge myſelf in the fault, and humbly beg your pardon, as knowing myſelf the inſtigator of it. I am willing to make you any recompence that lays in my power at preſent, or may be in my power hereafter. As the buſineſs in which we are involved in is drawing cloſe to hand, and every depoſition that you and the other men have ſworn againſt me are loſt, I hope and truſt in the Almighty God that you will have the goodneſs to mitigate the affair, and accept of my friendſhip both now and hereafter. As I flatter myſelf that you may be ſhort of both money and cloathing, and as a proof that I never did nor do yet owe you any malice, what little I have got of either articles you are extremely welcome to the half of, which I hope you will accept of, and likewiſe my future friendſhip.

"Captain Bell of the bark was with me the other day, and told me that the depoſitions were delivered to him when we left Montſerrat, and by his neglect they are loſt, with ſome other papers concerning the buſineſs. I hope you will ſend me an anſwer, with a few particulars concerning the above, as ſoon and as privately as poſſible. You may depend it ſhall never reach the ears of the public."

Court.—There is no ſignature ?—A. No, nor date, or ſuperſcription. That is the letter I received from Evans in my own hands.

Croſs-examined by Mr. GURNEY.

Q. Mr. Scott, you have told us that for the laſt four or five weeks of this boy's life the captain generally beat him every day?—A. He made a practice of beating him, I cannot ſay every day; I do not know for every day exactly: ſometimes he beat him twice a day.

Q. If he miſſed one day, I take for granted he beat him *twice* the next day?—A. Perhaps he might miſs two or three days, juſt as he found himſelf inclined.

Q. And then he made it up by giving it him two or three times in one day?—A. I did not keep an exact account.

Q. I did not aſk you whether you kept an exact account.—A. I have known him beat him twice a day.

Q. How many times all together did he beat him with the handſpike?—A. I have ſeen him beat him one time very ſeverely with the handſpike.

Q. How many times in the groſs have you ſeen him beat him with the handſpike? You have deſcribed four or five times: I want to know how many more?—A. I cannot recollect how many times: I do recollect one time in particular.

Q. You have told us of one time, and more than one time; when was that time which you ſay you recollect in particular?—A. That was a few days before he died.

Q. How long before he died?—A. I cannot be certain to the number of days: eight or ten days.

Q. He beat him moſt unmercifully then?—A. Yes.

Q. As hard as he could ſtrike him?—A. Yes; or thereabouts.

Q. Both on the head and on the body?—A. Yes.

Q. Deſcribe the manner in which he ſtruck him.—[*The witneſs deſcribed by action an over-handed blow.*]

Q. And then he jumped upon him with all the weight of his body?—A. He did ſo with his feet.

Q. How many times did he jump upon him?—A. I recollect him jumping upon him twice.

Q. And he beat him moſt unmercifully with the butt end of a handſpike?—A. Yes.

Q. We know perfectly well that the butt end of a handſpike is ſquare, like the ſide of this?—*(pointing to a box in the form of a large book)*—A. Yes.

Q. When he ſtruck him with an inſtrument of this ſize, he ſtruck him as hard as he could each ſtroke, you have told us?—A. Yes.

Q. Upon your oath, Sir, muſt not ſuch blows have killed him if they were given upon his head?—A. Sir——

Q. Sir!—I repeat my queſtion: if he ſtruck him with an inſtrument of that ſize in the manner you

deſcribe, muſt it not have killed him on the ſpot? —A. I do not know that it might; it did not do it.

Q. I know that it did not do it; but if ſuch blows had been given by a handſpike four or five feet long, muſt they not have killed him at once? —A. It is according how he held it.

Q. You have told me that he hit him as hard as he could: have not you told us that it was an over-handed blow, and that he hit him as hard as he could?—A. I did not ſee how high he lifted up his arm.

Q. After doing all this, he punched him with the handſpike?—A. Yes.

Q. He punched him with the handſpike in different parts of his body?—A. Yes.

Q. He made no ſecret of his intention to kill the boy?—A. No; he did not make much a ſecret of it.

Q. He declared in the preſence of the whole crew that he would deſtroy him?—A. I have heard him ſay he would get quit of him.

Q. You and all the crew were upon the beſt terms with him, ſo that he muſt be ſure you would keep the ſecret?—A. I do not know what he thought reſpecting that.

Q. I did not aſk you what he thought reſpecting that: my queſtion is, whether the crew and he were upon good terms, ſo that he might be ſure they would not tell?—A. They were not upon very good terms; he might have got them preſſed.

Q. He might have got them preſſed! *You* were exempt from being preſſed, as being a ſurgeon?—A. Sometimes they do in the Weſt Indies.

Q. You and he were upon the beſt of terms: you bear no malice, I dare ſay?—A. No.

Q. Did he ever charge you with getting drunk?—A. He had no occaſion but once, and he was the drunkeſt of the two: he puniſhed me for nothing.

Q. He puniſhed you for nothing?—A. It was for a very trifle.

Q. Then he did take the liberty of puniſhing you?—A. He did.

Q. How many times did he puniſh you?—A. Two or three times.

Q. How many times on the coaſt of Africa?—A. Twice on the coaſt of Africa.

Q. How many times on the middle paſſage?—A. I do not recollect on the middle paſſage.

Q. Cannot you recollect?—A. I was puniſhed one time in the middle paſſage.

Q. Was it the beginning or the latter part of the time?—A. It was towards the latter part of the time; perhaps a month before I left the ſhip.

Q. Did he puniſh you in the Weſt Indies?—A. Yes, at Dominica.

Q. That was before you got to Montſerrat?—A. Yes.

Q. I believe he punifhed you with the cat once? —A. Yes ; that was on the coaft.

Q. It is very unufual, I believe, to punifh a perfon in your fituation with a cat ?—A. Yes.

Q. He charged you with ftealing fome rum falfely, I dare fay ?—A. It was for returning to one Mr. Cox fome rum which he had borrowed : he told Mr. Cox he would return it as foon as he fent for it.

Q. However, he punifhed you with a cat, and you were not very well pleafed with it ?—A. No.

Q. The crew and he were not on good terms, I believe : fome of the crew mutinied on the coaft of Calabar ?—A. There was no mutiny in the cafe that I could think of.

Q. Was there never any mutiny on board of the fhip ?—A. I could not call it a mutiny.

Q. You could not call it a mutiny ? Was there nothing like mutiny in twelve men taking a boat, and going afhore ?—A. He told them there was a boat alongfide ; he gave them leave to go on fhore ; he infifted upon their drinking ftinking water on board ; and moreover told them he would put poifon in it, and make them drink it, and poifon them.

Q. And this he faid to the whole of the crew ?— A. Yes.

Q. And this at the time you were taking flaves in ?—A. I do not think there were above one or two on board the fhip.

Q. Upon your oath, Sir, I aſk you whether you did not repreſent to the captain that you ſuſpected that the water which had been brought from the ſhore had been poiſoned, and deſired that the men might not drink it, as you ſuſpected it?—A. I ſaid no ſuch thing.

Court.—You had not ſaid that you ſuſpected the water brought from the ſhore was poiſoned?—A. I never ſaid ſo; he would not let them drink the water brought from the ſhore; he ſaid they ſhould drink the ſtinking water that was brought from England.

Mr. Gurney.—Did not he drink the ſame water himſelf?—A. I will ſwear that he drank water that came from the country, as ſoon as he got it.

Q. Do you mean that he drank the water that came from the country as ſoon as it came on board?—A. He never drank the water that came from England, that ever I ſaw, after he got water from the country.

Q. Do you mean to repeat that there was no mutiny in the ſhip?—A. One evening a man was ſinging a ſong forward on the forecaſtle: the captain deſired him to be ſilent; he continued ſinging the ſong: the captain got the arm cheſt open, and began to fire. Smith ſaid, "Fire, and be damn'd." Smith ſaid, before he would be uſed in that manner, he would blow the ſhip up. I be-

lieve he was in liquor, and one or two more: there was no one laid hands on the captain.

Q. Was there any mutiny?—A. There was no more than that.

Q. How long did the men who went on ſhore ſtay?—A. Some ſtopped two days, others a week, and ſome he would not take on board again.

Q. But this night that you ſpeak of, nothing more was done by the men then ſinging a ſong?—A. Nothing more; they made a noiſe. Smith was a little riotous, becauſe he was in liquor; the reſt were orderly.

Q. Did not you arm to protect yourſelf?—A. He told me to do it: there was no occaſion for my doing it. He hailed Captain Brown on board: he came on board. Captain Brown aſked what the diſturbance was. Smith the gunner ſpoke, and ſaid that he had ſnapped piſtols at him, and told him that he had heaved handſpikes, and ſhot at them at different times. Captain Brown deſired them to be quiet again. Nothing more happened particular that night, that I recollect.

Q. Did not Captain Brown tell them, if they did not return to their duty, he would bring his ſhip alongſide of them?—A. He did.

Q. Did not Smith the gunner, who was at the head of the mutiny, ſay that they had as many

guns as he; they knew how to uſe them as well as his men, and they would make uſe of them?—A. I do believe he did make uſe of ſomething of that kind.

Q. Did not ſome of them threaten to throw Captain Brown overboard?—A. Not that I heard.

Q. Will you ſwear that they did not?—A. It might happen: I did not hear it.

Q. After the men returned to their duty, I believe there was ſome uneaſineſs with reſpect to loſing their wages for having gone on ſhore?—A. He told them, when they returned, they ſhould have their wages, if they returned to their duty.

Q. Did not they ſay that they were afraid of loſing their wages for leaving the ſhip?—A. He gave them orders for their money.

Q. Where did the captain give them thoſe orders?—A. They had theſe orders on board Captain Macdonald's ſhip, before they would come on board.

Q. To whom did he give thoſe orders?—A. Berrian was one; Jones another; and William Smith the gunner, who is dead, was another.

Q. None of the crew, I believe, eſcaped a flogging?—A. No.

Q. The captain flogged them all round?—A. Yes.

Q. And he did this notwithſtanding he had treated the boy in the way you have deſcribed? —A. Yes.

Q. I ſuppoſe, in your opinion, he would have liked to murder the whole of the crew?—A. Yes, I do think he would.

Q. Then what muſt have become of himſelf with a cargo of ſlaves? Does it not ſometimes happen, when a crew has been reduced by ſickneſs, that the ſlaves have riſen and murdered them?—A. I have heard of ſuch things.

Q. Then, if he had deſtroyed all his crew, muſt he not himſelf have been murdered by the ſlaves? A. I don't know.

Q. You ſaw that the poor boy was going very faſt?—A. Yes; after we got upon the coaſt.

Q. You gave him ſcarcely any medicine, you ſay; and ſometimes you dreſſed his ſores? How many times did you dreſs them?—A. Four or five times.

Q. You ſaid at the Police Office, that his head was ſo bruiſed, that the ſcalp was detached from the bone apparently, and very much like a ſponge. —A. Yes.

Q. How many times were you on ſhore at Dominica?—A. I was twice aſhore, I believe; once at the Cuſtom Houſe.

Q. There was a relation of one of the owners there, a Mr. Brade?—A. There was no Mr. Brade there when I was there. I ſaw Meſſrs.

Lockharts; I had very little opportunity of ſeeing them. The maſter ordered me to pretend to be ſick whenever they came on board.

Court.—Who are Meſſrs. Lockharts?—A. They are the conſignees of the cargo.

Mr. Gurney.—So, in obedience to the captain's orders, you feigned to be ſick?—A. I was down below out of the way.

Q. Did you not go aſhore to their houſe?—A. Yes; with the captain.

Q. You went from thence to Montſerrat?—A. Yes.

Q. How long were you lying at Montſerrat before the charge was made?—A. Only a few days.

Q. How many times were you on ſhore before the charge was made?—A. I was only on ſhore once: it was very late. I ſtopped an hour or two, and came on board.

Q. Do you remember being on ſhore at Betty French's?—A. Yes.

Q. Were any of the crew?—A. Some of the crew were there.

Q. Had you and they any converſation at Betty French's about the charge?—A. Of courſe, after the court of inquiry had been held, we mentioned ſomething of this.

Q. Do you remember, either before or after the court was held, ſaying, "If you ſtick to what I

ſay, it will be the better for you; then you will have your wages?"—A. I do not.

Q. Nothing paſſed between you like conning over the ſtory together?—A. Nothing of the kind.

Q. Was it not mentioned that every one would relate what they had ſeen?—A. Nothing of that kind ever paſſed.

Q. Nor nothing of the kind ever paſſed that you ſaid, "You muſt ſtick to what I ſay?"—A. Never.

Q. Have you not ſaid that you would not have made this charge againſt the captain, if he had not puniſhed you?—A. I never ſaid any ſuch thing.

Q. You would have given this poor boy more medical aſſiſtance if you had not been afraid of the captain?—A. I dare ſay I ſhould more often have attended to him than I did, if it had not been for that.

Q. And you would have made a true entry in the journal, if it had not been for the captain?—A. Yes.

Q. As to all the ſymptoms ſtated in the journal, thoſe were not the correct ſymptoms of the deceaſed?—A. The entry in the journal is exactly the ſymptoms that he was attacked with.

Q. I will read it to you.

"1807, March 15th, Robert Dunn, eighteen years. He is much relaxed and debilitated. Extremely nervous, having a conſtant tremor and convulſive motion, particularly in his hands,

when in action: this paralysis or nervous irritation was more or less in his ordinary health, and lately has become greater in proportion as he has become more weak. He has had several attacks of pyrexia from eating almost any sort of food, particularly vegetables, the produce of the country, *and meat to excess:* with this, and want of action in himself, he became reduced and weak.—20th. He seems quite obstinate in every thing told him; is indolent to extreme; and becomes more debilitated.—31st. Died."

If you are asked whether that was the cause of his death, you cannot say it is.—A. That is true, but it is not the whole of the treatment. I did not put down in that journal the real cause of his death. If I had not been afraid of the captain, I would have put down the cause of his death.

Q. The use and object of a journal are to put down the causes of the deaths?—A. Yes.

Q. Were you afraid of him when you came ashore at the Custom House?—A. I was.

Q. When you were on shore there, could you not have put yourself under the protection of the Custom House officers of the island?—A. No.

Q. Did not you suppose, that, if you had made a charge of murder against the captain, you would have been protected?—A. I don't know how that might be: I was told there was not much justice in the West Indies. At Montserrat I was advised to make the charge: I was told there, I might have as much justice as in England.

Q. You thought you could have no justice at Dominica?—A. No.

Q. You thought that Meſſrs. Lockharts, the agents of the owners, would not give you any ſort of protection, if you made a charge againſt the captain of murdering this boy, who was ſo nearly related to one of them?—A. I don't know. During the twelve days I was there, I was obliged to attend the ſlaves, and alſo to cook the ſlaves' victuals. I had no time to make a regular charge.

Q. No time to make a regular charge! Did not an officer and ſome men of a ſloop of war come on board at Dominica?—A. Not while I was there.

Q. Do you mean to ſay that you were not boarded by a ſloop of war?—A. Yes; that was when we were coming in.

Q. Could you not have made the charge to the naval officer who came on board?—A. I wiſhed to wait till I had a better opportunity; and if we had ſtopped to take in the loading at Dominica, I ſhould have diſcloſed it.

Q. When you were on ſhore at Meſſrs. Lockharts, that might have been an opportunity.—A. Yes; it might.

Q. At the Cuſtom Houſe you ſwore to the truth of that journal.—A. Yes.

Q. What do you think of ſwearing to that journal, which you now admit was not true?—A. It was true that the boy had a paralytic affection.

Q. But there is much more in the journal than that. Did not you ſwear to the whole of the journal being true?—A. Yes, but there is no cauſe of his death there. I did not think I was ſwearing to the cauſe of his death.

Q. Then in your journal it was no object to give an account of the cauſes of people's death?—A. I did not account for the cauſe of his death in the journal.

Q. You did not conſider it any object to inſert the cauſe of his death?—A. It is ſometimes put in. There is no cauſe mentioned in that journal.

Q. Did you not conſider what you have mentioned in the journal as a ſtatement accounting for the death of Robert Dunn?—A. No; I conſidered more of that in my own mind.

Q. Did not you conſider that you repreſented what is there written as the cauſe of his death?—A. I might repreſent thus far as the cauſe of his death.

Q. The queſtion is not what you *might* have done, but what you did. Did you not intend that that entry ſhould convey, to whomſoever might read it, the matters therein ſtated as the cauſes of his death?—[*No anſwer.*]

Q. I ſuppoſe you have always given the ſame reaſon for taking that oath, that it was for fear of the captain?—A. I always underſtood that I was

ſafe in ſwearing to that; but I have not related the whole of the truth.

Q. One ſhould have thought that you might have had courage enough to have related the whole truth at the Cuſtom Houſe.—A. I had not.

Q. Did you ever ſay to a perſon either here or in the Weſt Indies, when you were aſked how you came to ſwear to your journal, "Oh! it is a mere Cuſtom Houſe oath?"—A. I do not recollect ever mentioning any ſuch thing.

Q. "I do not recollect!" That is the oddeſt anſwer to ſuch a queſtion that I ever heard. Did you, or did you not, when you were aſked how you came to ſwear to your journal, ſay it was a mere Cuſtom Houſe oath?—A. I do not recollect any ſuch thing.

Mr. Gurney.—That is, I ſuppoſe, all I can get from you.

Re-examined by Mr. Jervis.

Q. You never ſaid that you would not have made this charge if the captain had not puniſhed you?—A. No; I never ſaid ſo: I ſhould have made this charge, whether he had ever puniſhed me or not.

Q. You have been aſked about this diſturbance on board the ſhip: do you recollect when it happened?—A. Very ſoon after our arrival on the coaſt.

Q. Was Dunn one of the party concerned in it?—A. He had nothing to do in it.

Q. Nor you, of courſe. You was called to the aſſiſtance of the captain?—A. I, the ſteward, and the clerk, were in the cabin.

Q. And you ſay William Smith the gunner, and one or two other perſons, uſed very improper language to Captain Brown?—A. They did.

Q. Did Captain Brown return to his ſhip that evening?—A. He did.

Q. He did not find it neceſſary to bring his own ſhip alongſide?—A. He did not: he returned to his own ſhip, and the crew went to ſleep very ſoon after.

Q. The captain ſaid he ſhould make them drink that water during the time they were there?—A. Yes; but I believe they drank very little of it: they got at the other whenever they could.

Q. Had they an opportunity of getting at the freſh water?—A. Sometimes they might, when they were down below.

Q. You have told us, that when you went to the Cuſtom Houſe the captain was with you?—A. He was.

Q. Are the ſymptoms which you have deſcribed this boy to have had accurately ſtated in this journal?—A. They are correct, as far as they are ſtated in that journal.

Court.—It is impoſſible he can reconcile the entry in the journal with the ſymptoms and cauſes of death as he now deſcribes them.

Mr. Gurney.—In his evidence he ſtates that the illneſs and death of Dunn were, in fact, occaſioned by the privation of food, and particularly of *meat.* In the journal he deſcribes the "*eating meat to exceſs*" as one of the cauſes of that illneſs which terminated in death.

Court.—The journal cannot be made conſiſtent with the evidence; and I think, Mr. Jervis, you had much better give up that point, than, by aſking him further, make him give more bad reaſons for what he has done.

Mr. Jervis.—I will not purſue it, my Lord.

Q. You very ſeldom went aſhore at Dominica, and had no opportunity of making it known there?—A. Provided we had taken in a cargo there, I ſhould have made it known. At Montſerrat we took in a cargo, and there I made it known.

Henry Smith ſworn.

Examined by Mr. SOLICITOR GENERAL.

Q. You were one of the crew of the Apollo?—A. I was.

Q. You ſailed with the ſhip, and continued on board all the time that ſhe was in Africa?—A. There was a ſhort time I was abſent.

Q. Do you remember Robert Dunn being on board that ſhip?—A. Yes; I do.

Q. When did you firſt perceive any thing the matter with him?—A. After he arrived on the

coaſt I perceived he had ſore legs: I always thought it was owing to the muſquitos.

Q. Did you obſerve a trembling in his hands after he had the beatings?—A. I did not obſerve it before.

Q. How long before he had the beating did you obſerve the trembling in his hands?—A. After we ſailed from Liverpool; it might be a month. He had no trembling in his hands till after he was beat. The firſt ill treatment I ſaw him have was five dozen at the end of the windlaſs, for ſpilling ſome of the molaſſes.

Q. When afterwards did you perceive any ill treatment exerciſed upon him?—A. When we firſt arrived on the coaſt, he was ſent to the barricado door; he was ſtript; he had ſome clothes on when he was ſent to the barricado door.

Q. Did this hurt him?—A. No; not if he had been behaved to as he ſhould have been.

Q. What other ill treatment do you recollect? you are now ſpeaking when you were on the coaſt. —A. About two months after we ſailed from Liverpool; at this time, when he was in the galley, I have ſeen him put a rope round his neck, and hoiſt him up, ſo as his toes juſt reached the deck.

Q. How long was he continued in that poſture? —A. He might be continued in that poſture half an hour, or three quarters of an hour.

Court.—Did it hurt him?—A. I ſhould think it did hurt him; he was hung up by a rope round his neck, the two bits coming round behind; the gun-tackle hoiſted him up: I ſaw him in the galley at that time; he ſeemed to be red in the face; and, after he was let down, he had a long red mark, and all the ſkin was chafed off. Another time he was ſtript of every thing off him; one ſide of his head was ſhaved; his belly was blacked. He was ſtanding by the barricado door. I have known the captain fetch the blacks to look at him when he was in this ſtate. I have ſeen him hung up by the heels on the main deck; he was hung up to the booms by the heels, with his head downwards.

Q. Could he touch the deck?—A. Yes; the ends of his fingers juſt touched the combings of the main hatchway. He continued in that way half an hour, or three quarters of an hour.

Q. Have you obſerved that to have been done to him more than once?—A. Once I have ſeen him continued half an hour.

Q. How long was it after you got on the coaſt?—A. It was ſome time after then.

Court.—How long before you left the coaſt?—A. I cannot tell exactly how long.

Mr. Solicitor General.—Do you remember how near it was to the time of the boy's dying?—A. It was done when we were on the coaſt.

Q. Do you remember Dunn attending the ſlaves?—A. Yes; I remember his being ſent to the barricado door with the tubs.

Q. Do you remember any thing happening upon that?—A. I ſaw him capciſe the tub on the main deck. The captain happened to ſee him; he got ſome of it, and made him eat ſome of the contents of it.

Q. Did he do any thing elſe beſides what you have mentioned?—A. I did not ſee him then.

Q. You did not ſee him beat him?—A. No; I did not take particular notice at that time.

Q. Did you ever ſee him employed at any other time emptying the tubs when any part of the contents were ſpilt?—A. I have not ſeen him eat the contents more than once upon any occaſion.

One of the Jury.—Who held his mouth open?—A. He got his mouth open with one hand himſelf; he got his mouth ſo that he got ſome in it.

Mr. Solicitor General.—How far were you from him?—A. About as far as I am from you; or a little further.

Q. Did you remain looking on?—A. No, I did not; I was at the furnace, the other ſide the galley. There might have been a beating, but I did not ſee it.

Q. You were not preſent all the time?—A. I

was not; becauſe this caſe was ſo common at laſt, I uſed to take no notice of them. I ſaw him hung up with chains round his middle, off the deck, and ſeveral wet ſwabs put on him: that was for telling him that the ſecond mate had not waſhed one ſide of the deck.

Q. Do you know whether that was true or not?—A. That I cannot ſay.

Q. How long did he remain in that ſtate?—A. Till ſuch time as the captain ordered him down.

Q. Was it in the day-time, or night?—A. It might be about ſeven or eight o'clock at night.

Q. How long did he remain in that way?—A. I cannot rightly ſay about how long; it might be an hour.

Q. Did you ever ſee the captain beat him any time beſides that you have deſcribed?—A. I did, with a handſpike. There was a tub ſtanding on the main deck: the captain came forward, and ſaw it; he went towards him with a handſpike, and knocked him down: ſeveral times he hit him down, and ſtruck him with the thick end of the handſpike.

Q. What ſort of blows were they?—A. They were heavy blows. I ſaw the blood come out of his head, and run down his ſhoulders. He knocked him down, and ſtruck him after he was down about the legs and body, and any where where he

could ſtrike him, with the ſame end of the hand-ſpike.

Q. What was that for?—A. There was a tub ſtanding on the main deck; it ought to have been in the head.

Q. For that he was puniſhed in the way you have deſcribed?—A. Yes; it was about three or four days before he died.

Q. Are you ſure whether it was before or after that ſomething was ſpilt?—A. I believe it was after that.

Q. Where was the boy when he was beat with the handſpike?—A. He was forward.

Q. You ſay you obſerved the blood flow from his head, and run down his ſhoulders?—A. Yes: after it was over, the boy got up and went in the forecaſtle, and there he lay for three or four days: he was able to crawl and get to where he was.

Q. What had he to eat when he firſt came from Liverpool?—A. He meſſed in the cabin.

Q. Did he continue to meſs in the cabin, or meſs with the crew?—A. He was ſent forward to meſs with the crew.

Q. Then he had the ſame quantity as the crew?—A. He had no grog nor beef; he had a piece of dry yam and bread.

Q. How long before he died was that ſtoppage of the uſual allowance?—A. Some weeks. Soon

after we arrived on the coaſt, he had ſometimes yam and ſometimes bread.

Q. Had he at any time both yam and bread?—A. Not as I know of. When we were ſhort of yam, we uſed to take him bread. What we were allowed we uſed to take him:—a bit of yam about the ſize of a man's fiſt.

Q. What allowance of water had he at one time?—A. Three half panakins a day; that may be a little better than half a pint: he had three half pints a day allowed him.

Q. How long before he died was he allowed that quantity?—A. Some time before he died; I cannot recollect the length of time: it was the whole he was allowed to have any day; three half panakins a day. I have given him a little myſelf, when I had an opportunity. I had the key of the butt. Sometimes, when I could find an opportunity, I gave him ſome, not continually.

Q. How came he to be put on this ſhort allowance?—A. I cannot tell, except to puniſh him. The captain told me to give him three half panakins a day. One day I was bringing his dinner; the captain was getting his dinner in the cabin: he aſked me what I was bringing him. I told him, yam. He ordered me to ſhew it him; I ſhewed it to him: he told me if ever I brought him any beef, he would flog me. I have ſeen him, when it was raining very hard, made to wring ſwabs.

Q. What cloathing had he?—A. An old ſhirt: he had a great coat. I ſaw the captain take it from him. We had left the coaſt at that time.

Q. How long after?—A. I cannot rightly ſay how long it was.

Q. Do you recollect how long you left before the boy died?—A. I cannot recollect, to tell the truth.

Q. Was it a week, or more than a week?—A. I think it was more than a week; I am certain it was more; I cannot ſay how much more.

Q. How long after you left the coaſt was it that he had his coat taken away, and ſent to wring the ſwabs?—A. I cannot ſay.

Q. Did you ſee him do any thing when he was under the awnings?—A. I have known the boy to lay any where he could get any reſt, at times.

Q. Did you ever hear the priſoner ſay any thing to him why he was treating him in this way?—A. I have. I heard him one time come forward, and aſk him if ever he thought he ſhould ſee Liverpool again.

Court.—Mention, as near as you can, the time?—A. It was before he died ſome time.

Solicitor General.—Before you got to the coaſt?—A. It was after that.

Q. Was it after or before you had left it?—A. I cannot ſay.

Q. Upon what occaſion did he ſay this?

Court.—Mention, as nearly as you can recollect, what was the occaſion of this?—A. The boy was not doing any thing that I could ſee.

Q. Where was the boy?—A. He was ſtanding forward.

Q. Now tell us what paſſed?—A. He aſked if ever he expected to ſee Liverpool again? The boy ſaid he did not know. He called him a b——r; that the merchants had ſent him out to carry ſtories home, and he would take care he never ſhould ſee Liverpool again: he would kill him.

Q. Did you know a perſon of the name of Williamſon, the clerk?—A. Yes; he died on the coaſt.

Q. Did you hear the priſoner ſay any thing about Williamſon to the boy?—A. I have heard him tell the boy that Williamſon was gone to hell, and he would make him go after him.

Q. Did you ſee the deceaſed when he was dead?—A. I did not: the laſt time I ſaw him was the time he beat him with the handſpike.

Q. What appearance had he the laſt time you ſaw him?—A. His ſhoulders were all over blood; he could hardly ſee out of his eyes; his ſhirt was almoſt torn off his back; he looked very thin; and his breaſt-bone was ſticking out.

Q. How was his back about the ſhoulders?—A. The ſkin was hard, and he did not appear to me to be ſtraight after he had the beatings; he

was crawling on the forecaſtle: he was a ſtraight boy at firſt, but a little round ſhouldered.

Q. Did you obſerve whether that increaſed?—A. Yes, it did increaſe.

Croſs-examined by Mr. ALLEY.

Q. He was a well-made boy, except that he was a little round ſhouldered, when he came on board?—A. Yes.

Q. You ſay you ſaw the captain knock him down, and beat him when he was down with the handſpike?—A. Yes, I did, and gave him ſeveral beatings; and I ſaw the blood running from his head.

Court.—That was the laſt time you ſaw him?—A. Yes.

Mr. Alley.—He was cruel enough to hang him up with chains from ſeven o'clock till eight, when he was taken down by the captain's orders?—A. Yes.

One of the Jury.—In what manner were thoſe chains faſtened ſo as to ſuſpend him?—A. Round his belly, and his back was upwards; and there were wet ſwabs put upon his ſhoulders.

Mr. Alley.—One of the gentlemen very properly aſked you how the priſoner got the boy's mouth open, and you told us that the captain opened it?—A. Yes.

Q. The deceaſed, I think you ſay, had been juſt before carrying tubs?—A. Yes.

Q. Then his hands muſt have been free; and yet you would have us believe he ſtood quite quiet, and let the captain open his mouth with one hand, and put the filth in with the other?—A. Yes, he did.

Q. I ſuppoſe you did nothing while on board to deſerve puniſhment?—A. Yes; I have had ſeveral floggings for miſconduct.

Q. You were not one of the men that deſerted the ſhip without the captain's knowledge at Calabar, were you?—A. It was by the captain's order: I never deſerted it, but I meant to come back again.

Q. My queſtion is, whether you left the ſhip without his knowledge?—A. Yes; but I did not deſert: I intended to come back again.

Q. Then you did quit the ſhip without the captain's leave?—A. I have gone without his knowledge.

Q. You know that ſeamen in their ſhip's articles agree to forfeit their wages if they go on ſhore without the captain's leave?—A. I cannot read at all.

Q. Have you never heard any thing in your life upon that ſubject?—A. No.

Q. You ſigned the ſhip's articles, did you not?—A. Yes.

Q. Now, upon your oath, do you not know, that by ſigning the ſhip's articles you agreed to forfeit your wages if you quitted the ſhip without

leave?—A. I have heard people ſay ſo: I believe it muſt be ſo.

Q. You ſay you went aſhore with an intention to return?—A Yes.

Q. Did you return till after you got a note from the captain, promiſing you that you ſhould have your wages?—A. I never got a note from the captain in my life.

Q. You were very much diſpleaſed with this conduct of the captain; you thought he was a great barbarian?—A. I thought he did not uſe ſome people right.

Q. You attribute the death of this lad to the ill treatment of the captain, do you not?—A. I ſuppoſe he died on account of the ill uſage From what the captain ſaid, and from the way he uſed him, I thought he was the occaſion of his death.

Q. You thought he had killed this boy, and deſerved to be hanged?—A. I did think ſo.

Q. Then, of courſe, you took the firſt opportunity to make his conduct known?—A. I did not ſay any thing about it, till I was ſummoned. There was a conſtable came after me, and ſummoned me before the court at Montſerrat.

Q. How many times had you been on ſhore at that place before you were ſummoned?—A. Twice.

Q. Were you not at Dominica ſome time before you went to Montſerrat?—A. Yes.

Q. Were there any King's ſhips alongſide you

at Dominica?—A. Yes; they were not far from us.

Q. Did not ſome of the officers come on board?—A. Yes.

Q. Then you could have told them?—A. I did not make it my buſineſs; I did not think of making it known myſelf.

Q. Do you recollect the time on which the ſurgeon was flogged about ſome rum?—A. I do.

Q. Were you the perſon that told the captain the doctor had ſtolen the rum?—A. There was a man that was a ſecond mate of another veſſel came on board, and the doctor took the liberty to let him have a bottle of rum.

Q. I aſk you whether, in the ſurgeon's abſence, you did not tell the captain that the ſurgeon had ſtolen ſome rum?—A. The captain came on board, and aſked me whether that man had been on board. I ſaid yes, and that the doctor had given him a bottle of rum; but I did not ſay it was ſtolen.

Q. Were you ever in Betty French's houſe?—A. Yes.

Q. Have you been in company with the ſurgeon there?—A. Yes.

Q. Have you not had repeated converſations at her houſe upon this ſubject?—A. I cannot ſay often.

Q. You have once or twice?—A. I don't know that ever I ſaid any thing concerning it; I did

not know that ever he was going to make it known. I have been once or twice at her houſe; but I never ſaid any thing about the proſecution.

Q. Perhaps you never told him what *you would ſay;* but has not he told you what *he* would ſay?—A. No.

Q. Let me caution you, and pray attend well to the queſtion before you anſwer it upon your oath: Did he never, at her houſe, give you an account of what he had ſtated againſt the captain?—A. No.

Q. Do you know a perſon of the name of Dubry?—A. Yes; he was once in our company in the priſon.

Q. Did not the ſurgeon tell you, in the preſence of Dubry, to ſtick to the account he had given you?—A. No; he never did.

Henry Nutſon ſworn. Examined by Mr. JERVIS.

Q. Did you belong to the Apollo?—A. Yes.

Q. Was there a boy of the name of Robert Dunn on board?—A. Yes.

Q. What was the ſtate of his health when he firſt came on board at Liverpool?—A. He was in a ſtate of very good health.

Q. When was the firſt time that you obſerved any thing the matter with him?—A. On the coaſt of Africa, I obſerved he had ſore legs, from the moſquito bites.

Q. Do you remember the captain doing any thing to him in the courſe of the paſſage?—A. Yes; he gave him five dozen one day in the paſſage out.

Q. Did that affect his health?—A. No.

Q. Do you recollect any thing the matter with his hands?—A. Yes; he was ſo—(*Witneſs ſhaking his hands*); he had that when he came aboard.

Q. Do you recollect the captain doing any thing to him when he was on the coaſt?—A. Yes, I do.

Q. How long after you arrived on the coaſt was it that the captain did any thing to him?—A. I cannot exactly recollect the time.

Q. Do you recollect the time when William Smith, the gunner, died?—A. Yes, I do.

Q. Soon after that, do you recollect the captain doing any thing to the boy?—A. Yes, I do.

Q. What did he do to him?—A. A great deal of cruelty.

Court.—That was after the gunner's death?—A. Yes; I ſaw him hanging up by a chain: it was put to a houſe, or caging, on the deck; the chain was put round his waiſt; he was hoiſted up, and hung up by it at that time, with his face upwards: I have ſeen it ſeveral times. I ſaw him hung up by his heels.

Mr. Jervis.—How long was he hung up by the

chain?—A. Sometimes three hours and better: I am ſure it was three hours.

Court.—Was that under the caging?—A. That was on the quarter deck.

Mr. Jervis.—That is, where the caging was built?—A. Yes; he was at one time hung up with a chain round his body.

Q. Once, or more than once?—A. More than once.

Q. What effect did you obſerve it had upon him?—A. He was crying out ſome time: it diſturbed the captain; he could not ſleep of nights; and when he could not ſleep, he gave orders to let him down. I have ſeen ſeveral marks after he was dead on his body.

Q. Juſt after he was taken down, did you obſerve any marks upon his body?—A. No; I did not take any notice the firſt time; he was hung up by the heels, laſhed up by the gun-tackle to the caging round his ankles.

Q. Was he able to touch the deck?—A. He was juſt able to touch the combings of the hatch-way.

Q. The combing is the edging of the hatch-way?—A. Yes.

Q. What length of time was he ſuſpended this way?—A. Sometimes two hours, ſometimes three, and ſometimes he was hanging for four hours.

Q. What had he done when he was hung up

in the manner you deſcribe?—A. Little crimes; ſuch as ſitting down and lying down.

Court.—Sitting or lying down when he was ordered to work?—A. He always did his duty; but ſometimes for not trimming a lamp, and when it would not burn well.

Mr. Jervis.—When he was hung up, was he able to relieve himſelf by raiſing his head?—A. I do not know.

Q. Do you recollect any thing elſe being done to him?—A. I have ſeen him hung up by a chain put up to the caging; the chain fixed round his breaſt, and a broomſtick extending his arms.

Q. How long was he in that ſituation?—A. I cannot ſay. The captain would call the ſlaves up to look at him, and ſwing him round.

Q. Was he naked?—A. He had a ſhirt on at that time.

Q. Had any thing been done to his head at that time?—A. Yes; one ſide of it ſhaved and painted, and round his body was painted.

Q. With what?—A. His body was painted with tar, I believe: I did not ſee it done; I ſaw it after it was done.

Q. Did you hear the captain ſay any thing why he did theſe things?—A. I heard him ſay he would kill him; that Mr. Brade ſent him out on purpoſe to tell tales when he came home; but he would put him out of the way. One day the

captain told him that he never ſhould go home; Mr. Brade ſent him out to tell ſtories, or tales, and he would take good care that he never ſhould get home; and I heard him ſay, that Williamſon the clerk was gone to hell, and he would make him go after him.

Q. Do you recollect any thing about the ſlave tub?—A. I do: this boy was carrying the tub, and was going to empty it, and he happened to upſet it. The captain ſaw it: he came and beat him with the handſpike.

Q. How did he hold the handſpike?—A. The captain had the thin end in his hand; he beat him any where he could hit him: at laſt, he knocked him down, and put ſome of the contents in his mouth.

Q. Did he beat him after he was down?—A. No; he took ſome of the contents, and put it in his mouth.

Q. Then he did not beat him after he was down?—A. No, I did not ſee him.

Q. Did you remain there during all the time, or go away?—A. I ſaw him put the ſtuff in his mouth.

Court.—What did the captain do?—A. The captain brought a handſpike, and beat the boy with it; the boy was then ſtanding up.

Mr. Jervis.—Whereabouts did he beat him?—A. On the main deck.

Q. On what part of the boy?—A. About the head or body: the laſt time I ſaw him beat the boy was at the time the tub was upſet; he then made him eat part of the contents, and drink ſalt water to waſh it down.

Q. How long was that before the boy died?---A. I cannot exactly tell: about two or three weeks it was when we were on the coaſt.

Q. Did you ſee him beat the boy with the hand-ſpike once or more than once?---A. Several times: the laſt time I ſaw him beat him with a hand-ſpike was on the forecaſtle, where the pigs uſed to be.

Q. Before that, did ever you ſee the priſoner beat Dunn with the handle of the cat?---A. Yes.

Q. Was it before or after the upſetting the tubs that you have been ſpeaking of?---A. He beat him almoſt every day; ſometimes with the cat and ſometimes with the lathes.

Q. When he hit him with the handle, what part of his body did he ſtrike?---A. Sometimes on his body, and ſometimes on the head; and he bled in the places where the cuts were given.

Q. When he was beating him with the handle of the cat, what did you obſerve at the time?---A. He beat him cruelly; he cut his head all to pieces acroſs his face; and his eyes were ſwelled up.

Q. When he was at the barricado door, had he any thing round him?---A. No, not a ſtitch. I gave him a piece of cloth to put round his mid-

dle: he was kept in that ſtate from the firſt time I ſaw him till his death.

Q. How long was he kept in that ſtate?---A. About five months.

Court.—He never wore any clothes but a ſhirt for five months?—A. No.

Mr. Jervis.—What proviſion was allowed him?—A. He had yam or bread all the while we were on the coaſt: before he died, he never allowed him meat.

Q. Do you recollect what water he was allowed?—A. He uſed to get a little water, I know; but I don't know what he was allowed. I have ſeen him going with a pot to get ſome.

Q. Do you recollect another beating with the handſpike ſhortly before he died?—A. Yes; that was about three days before he died: he laid along with the pigs under the forecaſtle; he had eaſed himſelf there. The captain ſaw it, and he punched him with the handſpike.

Q. Did you obſerve the ſtate of the boy at that time?—A. Yes, I looked at him; and when the captain ſaw that he had eaſed himſelf, he went to him.

Q. Did the boy ſay any thing to him?—A. No; the boy was crying out for mercy.

Q. Do you recollect whether the boy cried ſtrong?—A. No; he did not cry ſtrong at all.

Q. How long did he lay there?—A. I don't

know: the next time I ſaw him was at the fore-caſtle; he had a mat over him, I lifted the mat up: he did not ſpeak to me, nor I did not ſpeak to him. I heard him breathe. He died on the morning. When I was upon watch, I looked, and found him dead. I ſaw him the evening before alive. The priſoner was on the poop deck when I told him he was dead: he ſaid, "Damn your eyes, heave him overboard. What do you tell me of it for?"

Q. Did you examine the ſtate of the boy's body after his death?—A. I did not examine it: he was naked. I could ſee the breaſt-bone ſtick out like a wedge, and one ſide of his belly ſhrunk in, and ſeveral marks on his body where he had punched him with the handſpike; black and blue in divers parts of his body, where he had punched him.

Q. Did you obſerve his back?—A. I did.

Q. How did it appear?—A. On the ſhoulder-blade, where he beat him with the handle of the cat, the ſhirt was torn; there was ſeveral marks black and blue; and the back of his neck all cut to pieces, where he had beat him with the handſpike; and his eyes were ſwelled up two or three days before he died.

Q. Were they ſwelled before he laid down, as you have ſtated?—A. I think his eyes were ſwelled ſome days before.

Q. Did you examine the ſtate of his eyes when

he was dead?—A. I looked at them, but did not examine them particularly. I lifted up the mat, and looked at him, and told the captain he was dead: his eyes were black, and his face ſwelled up.

Q. Did the ſwelling proceed, in your judgment, from the blows he had received?—A. Yes, it did.

Q. When you obſerved the ſtate of his body, were you able to form any judgment of the cauſe of his death?—A. To the beſt of my opinion, I really think he was the occaſion of his death.

Croſs-examined by Mr. GURNEY.

Q. The captain beat him almoſt every day?—A. Yes, he did.

Q. And with the greateſt ſeverity?—A. Yes.

Q. He never beat him gently?—A. No.

Q. How many times did he beat him with the handſpike?—A. I cannot ſay; I ſaw him two or three times, and ſometimes he uſed the gunner's bar, which is much the ſame thing.

Q. A handſpike is about five feet long?—A. They are of different ſizes.

Q. He ſtruck him with a hearty good will?—A. Yes.

Q. And, I dare ſay, as hard as he could?—A. Yes.

Q. Sometimes on the head, and ſometimes on the body?—A. Yes, where he could.

Q. But he preferred the head?—A. Yes.

Q. And ſometimes he ſtruck him over the back?—A. Yes.

Q. He ſtruck as if he meant to kill him?—A. Yes.

Q. And he told all the crew that he intended to murder him?—A. Yes.

Q. He ſaid the boy was ſent by the owners to tell tales, and he would take care he ſhould never return; and this he repeated openly to all the crew?—A. Yes.

Q. After this he never could have ill uſed them?—A. Not much.

Q. He was upon good terms with the crew all the voyage?—A. Not all the voyage.

Q. Was he upon bad terms with any number of them?—A. Yes, he was. He ill uſed them all almoſt.

Q. He did not ill uſe ſome ſo much as others, but he puniſhed them all?—A. Yes, he did.

Q. He thought to bring them all into good humour by beating them. Were you ever puniſhed?—A. Yes; I was never flogged, but I was ſtarted.

Q. What you call ſtarting, I believe, is a beating with a rope's end?—A. Yes.

Q. You fared better than the reſt of the crew; they were all flogged, but you were only ſtarted?—A. I believe I was as well off as moſt of them.

Q. Neither you nor the crew, I take it for granted, did any thing to deſerve puniſhment: the captain beat and flogged you all merely for

his amuſement?—A. He beat us without any occaſion.

Q. You none of you refuſed to obey his orders, and ſet him at defiance?—A. No.

Q. And I dare ſay there was no ſuch thing as a mutiny?—A. No.

Q. Nor any ſuch thing as threatening to blow the ſhip up?—A. Yes; I heard the gunner ſay that.

Q. That was ſaid in a joke?—A. I don't know what he meant by it.

Q. Of courſe, there could be nothing like mutiny in ſaying that he would blow the ſhip up?—A. That I am ſure there was not.

Q. And there was nothing like the captain and ſome others being armed, and the men telling Captain Brown that the Apollo had as good a crew as the Eliza?—[*No anſwer.*]

Q. He hailed Captain Brown to come on board: I ſuppoſe that was for him to ſee how well you all behaved?—A. I don't know what he wanted with him.

Q. Upon your oath, did not he call him on board for the purpoſe of bringing you and the reſt of the crew to obedience?—A. I never diſobeyed his order at that time.

Q. Were not he, and the mate and other officers, armed with piſtols?—A. Yes; after the

captain had ſnapped a piſtol at the gunner, he ſaid he would blow the ſhip up before he would be uſed ſo.

Q. Were not the gunner and the other men armed on the forecaſtle?—A. No; he was on the main deck, ſinging a ſong.

Q. There was no reaſon for calling any body on board the ſhip?—A. I don't think there was.

Q. You were perfectly quiet when Captain Brown came on board?—A. Yes.

Q. Upon your oath, ſir, did not you threaten *him* becauſe he begged you to behave properly, and return to your duty?—A. He ſaid he would bring his ſhip alongſide; and we gave him anſwer, we have as good a crew as the Eliza, and we will ſhow you as many guns as you have.

Q. What did you underſtand by that?—A. I underſtood hard fighting: that was what I made of it.

Q. You think there was nothing like mutiny in all this?—A. No.

Q. Pray, did any number of the crew go aſhore?—A. Yes; there was eleven of us went aſhore.

Q. What time did they remain abſent?—A. I ſtaid about four weeks aſhore.

Q. You know that by going aſhore without the maſter's leave, you forfeited your wages?—A. The captain told us we might go on ſhore: the captain ſwore he would poiſon us all.

Q. And you believed him! If he had poiſoned you all, what would have become of the captain? Would not the ſlaves have riſen, and murdered him?—A. I don't know.

Q. Then, being on ſhore, do not you know that you had forfeited your wages?—A. I don't know.

Q. Did you, or did you not, fear that for going aſhore, and ſtaying the time you did, without the captain's leave, that you had forfeited your wages?—A. I did not deſert: the captain gave me liberty.

Court.—If he gave you leave, it was no forfeiture certainly.

Mr. Gurney.—Did not you refuſe to come on board unleſs he would take you all back? and did you not tell him, that, if he would receive you all on board, that then you would go?—A. Yes.

Q. William Smith and Samuel Jones he refuſed to take back, becauſe he conſidered them as dangerous men; and you and ſome others ſaid, unleſs he would take them, you would not go: is not that ſo?—A. I told him I would not go, unleſs he took all hands.

Q. At laſt, did not the captain give you a note to get your wages?—A. I never had *no* note: I was brought back by the black fellows againſt my will. Samuel Jones and Berrian, they had notes.

Q. Then, notwithſtanding you were upon ſuch bad terms, he publicly ſaid in your hearing, after

you came back, that he would kill Dunn?—A. Yes.

Q. When you got to Dominica, you were boarded by a King's ſhip.—A. A King's officer came on board with a boat's crew.

Q. The ſloop of war's boat boarded you?—A. Yes.

Q. Before you got to Dominica?—A. Yes, and preſſed one of our hands.

Q. You were quite ſatisfied that the captain had committed murder?—A. Yes.

Q. And yet you made no charge to the King's officer?—A. I did not.

Q. Nor did any body elſe?—A. I did not hear it.

Q. Why did not you?—A. It was not my place to ſay any thing then; I had ſomething elſe to do.

Q. You were on ſhore at Dominica?—A. Yes, better than three weeks.

Q. You ſaw Meſſrs. Lockharts?—A. Yes.

Q. Did not you ſee a gentleman of the name of Brade, a relation of the owners?—A. No.

Q. You were on ſhore taking care of the ſlaves, and afterwards followed the captain to Montſerrat?—A. Yes; I went in an American brig to Montſerrat.

Q. How came you not to make a charge againſt him at Dominica?—A. I did not make the charge, becauſe he was gone.

Q. Was not you above a week on ſhore before the ſhip went away?—A. No; only about three days.

Q. Could not you have made the charge during theſe three days?—A. Yes, I could.

Q. Why did you not?—A. I did not know who to go to, nor how to go about it.

Q. You could have told Meſſrs. Lockharts?—A. I told a clerk of it.

Q. You ſay that with ſafety for this day, becauſe you know he is not here to contradict you. Did you go before any magiſtrate there?—A. No.

Q. Did you go to the Cuſtom Houſe officers or King's officer?—A. No.

Q. You went to the houſe of Meſſrs. Lockharts?—A. I was not at the houſe of Meſſrs. Lockhart; I was at the ſtore: I had the care of the ſlaves.

Q. If you had made the charge at Dominica, he could have been taken before a magiſtrate?—A. Yes.

Q. How far is it from Dominica to Montſerrat?—A. Only a day's ſail.

Q. Then might not the captain have been immediately purſued and taken, if you had accuſed him at Dominica?—A. He might.

Q. When did you arrive at Montſerrat?—A. I got there on Sunday, and on the next Sunday I was ſummoned.

Q. You had three days' liberty on ſhore before that?—A. Yes.

Q. Did you, in the courſe of theſe three days, make the charge?—A. I did not, becauſe there were other people more ſenſible than me to go about it.

Q. When you were at Dominica you did not make the charge, becauſe the captain was gone away; and when you got to Montſerrat you did not make it, becauſe there were others more ſenſible and knew how to do it better than you?—A. I did not know how to go about it.

Q. Do you mean that you did not know whom to apply to?—A. I was a ſtranger; I did not know how to go about it.

Q. You could not be more a ſtranger at that place than you were at Dominica. How many conſultations had you with Scott?—A. I had no conſultations with him; I only heard him ſay that he would go and inform againſt the captain. I heard him ſay it in Montſerrat about two or three days before I was ſummoned.

Q. Were you at the houſe of Betty French?—A. I have been in the houſe.

Q. Were you there in company with Scott and Berrian, and others of the crew?—A. I have been there with them.

Q. Were you not there at the very time the charge was made againſt the captain, and had you not

been each of you conning over the ſtory to each other?—A. I had been talking about it, but not ſtudying it: I had not been talking about it with Scott.

Q. Which of the crew had you the converſation with?—A. With Smith, Berrian, and Jones.

Q. Then you did talk with them at Betty French's about it, before you went before the court?—A. I never went before the court: I heard them tell the officer on board the Belleiſle; but I never heard them talk about it at Betty French's.

Q. Did you never hear Scott ſay any thing about ſticking to what he ſaid, and it would be better for you?—A. No; I never heard that: I am ſure there was no ſuch queſtion as that.

Q. I did not mean to put that as a queſtion from him to you. I aſk you whether it was not a part of your converſation?—A. It was not.

Q. Had you any converſation with any body at all about your wages, that they would be taken from you by reaſon of your going aſhore?—A. Nothing of that kind.

Q. Have you never ſaid, that, if the captain had not taken your wages from you, you would not have made this charge?—A. I don't know that either of them ſaid that.

Q. Were there no apprehenſions in the crew that they would loſe their wages when they came

to Liverpool? Were not you and Berrian, and ſeveral others, of opinion that, if the captain came home with you to Liverpool, you would loſe your wages?—A. No; I had no fear about loſing my wages: I took his word for it.

William Berrian ſworn.

Examined by Mr. SOLICITOR GENERAL.

Q. You were one of the crew of the Apollo?—A. Yes.

Q. You remember Robert Dunn being on board?—A. Yes.

Q. When was the firſt ill uſage you ſaw the priſoner exerciſe upon Dunn?—A. The firſt ill uſage I ſaw William Chapman, the priſoner, exerciſe upon Dunn was giving him four or five dozen, and tying him up to the windlaſs; and when we arrived upon the coaſt, I ſaw him hang him up by the heels.

Q. Deſcribe that particularly. Where was he hung up to?—A. To the caging, or to the booms.

Q. Was he hung ſo that any part of him could touch the hatchways?—A. He could juſt the combings of the hatchways: he was continued in that ſituation for the ſpace of three hours or better; I cannot exactly tell the time.

Q. Who was it that did it?—A. The priſoner did it; he helped to hang him up.

Q. Did you obſerve any effect it produced upon Dunn?—A. He looked very poorly and very red

in the face when he came down; he was very weak: he ſit down on the deck after he was taken down.

Q. Did ever you ſee him hung by the heels more than once?—A. I cannot ſay rightly that I did; I will not be poſitive: but I have ſeen him once.

Q. Can you be ſure when that once was?—A. Juſt after we arrived upon the coaſt.

Q. That was in the month of October?---A. Yes, it was: I have ſeen him hung up with a chain round his arm-pit, and hung up to the caging that we had to keep the ſlaves in.

Q. How long was he hung up in that ſtate?---A. I cannot rightly ſay; ſome conſiderable time; I may ſay four or five hours at one time.

Q. Who hung him up?---A. I cannot rightly ſay: he was ordered to be hung up by William Chapman.

Q. What was the occaſion of treating the boy in this manner? Tell us the particulars.---A. The priſoner and I were on board the Eliza; he told me that there was a muſket fired from our brig: he ſaid, "I think the ſlaves have riſen:" we went down to her. The priſoner, William Chapman, told me that there was one ſlave jumped overboard. When we got on board, Robert Dunn told the priſoner, that the ſecond mate had not waſhed one ſide of the forecaſtle; then he ſaid, "Now, you damn'd raſcal, I will learn you to tell tales."

Q. Did not you hear what was the occaſion of his being hung up by his heels the firſt time you have ſpoken to?---No.

Q. You did not hear what that alluded to?---A. No.

Q. Have you ſeen him ſtand at the barricado door?---A. Yes; he had one ſide of his head ſhaved, and nothing on him but his ſhirt.

Q. Did you ever hear him ſay any thing to Dunn why he treated him in this way?---A. No.

Q. Did you ſee him beat with the cat?---A. Yes; I ſaw him ſeveral times beat him with the cat with the tail, and likewiſe with the handle, about his ſhoulders and ſeveral parts of his body: it was ſuch a common practice, that I did not take any notice of it. I only heard the occaſion of his being puniſhed once in particular; that was, he had ſpilt ſome molaſſes.

Q. Do you know what quantity of meat and drink he was allowed?---A. I never ſaw any meat ſerved out to him after we got upon the coaſt.

Q. Had he as much yam as he could eat, and water to drink?---A. No: I think he had about a pound of yam a day.

Q. What quantity of water had he?---A. About three half pints, or about a pint; I never ſaw it ſerved out: I know he was very ſcanty of water.

Q. He was employed in emptying the ſlaves' tubs?—A. Yes.

Q. Do you remember his being beat when he was ſo employed?---A. Yes: I ſaw William Chapman take up a handſpike, and beat him with the butt end over the head and ſhoulders; and when he knocked him down, he punched him in the ſide.

Q. Upon what occaſion was that?---A. It was for upſetting one of the ſlaves' tubs: at the ſame time he made him eat ſome of the contents. I ſaw him beat him over the ſhoulders.

Court.---You were preſent all the time?---A. Yes; I was upon the main deck.

Mr. Solicitor General.---Did you obſerve his face and eyes?---A. His face and eyes were very much ſwelled up.

Q. Did you ſee him after he was dead?—A. I did.

Q. What did you obſerve?---A. I ſaw his head and face quite bloody, and his breaſt-bone ſtuck out like a wedge: in ſeveral parts of his body were dents, where he had been punched with the handſpike in his ſide; and his head and face were quite bloody, and ſeveral cuts on his head.

Q. In what condition was his body as to fleſh?---A. He was very poor; he was like a ſkeleton when he was dead: he was drawn up all in a heap.

Q. Was he ſuffered to have any clothes on?---A. He had a ſhirt, and ſometimes he had a coat; and the priſoner uſed to take the coat away from him, and heave it down in the rain; and he uſed to make him go and wring ſwabs in the rain in the forecaſtle.

Q. Did you receive any letter afterwards when you were on board the Northumberland?---A. Yes.

Q. From whom did you receive them?---A. From Evans.

Q. Can you read writing?---A. Yes.

Q. How many letters were delivered to you?---A. I cannot ſay rightly; I believe ſeven or eight.

Q. Look at theſe letters. Are thoſe them you received?---A. Yes.

Court.---Did you yourſelf, when upon the coaſt, wear trowſers and jacket?---A. Yes, ſometimes; and ſometimes trowſers without a jacket, for it was quite hot; and at other times we wore a jacket.

The following letters (which were thoſe ſpoken to by the witneſs) were then read by the clerk of the court.

FIRST LETTER.

"I AM very glad to hear your propoſals, and I ſhall write to Liverpool as ſoon as we arrive in England concerning it. I am very much afraid that it will be difficult for you to make your eſcape; but if you cannot make your eſcape, and is obliged to appear at court, I could wiſh you would be evidence for me, and contradict the doctor, as there will be no trouble in doing it; for I am certain ſure every paper that was againſt me is loſt; but if you make your eſcape, you muſt change your names, and let me know the names you intend to go by, and the place you intend for me to ſend to you at in London: you muſt let me know theſe things before you leave this ſhip, as perhaps you may not ſee me afterwards. I have ſold a great many things yeſterday, and I hope I ſhall be able to aſſiſt you with ſome money by next Sunday. I have now about ſix pounds. I could wiſh to keep about five pounds for to buy ſome articles for myſelf on my ar-

rival; all the reſt, whatever the amount may be, you ſhall have amongſt you. I have ſold my bed to-day, and expects to ſell my watch to-morrow. I will ſee how many ſhirts and trowſers I have left: if you want any, let the bearer know, and let me know your names, and where I muſt write to you in London."

SECOND LETTER.

"I AM very much obliged to you for your anſwer, but would be much more obliged to you if you would let me know what you would ſay if you were obliged to give evidence on board this ſhip before you go on ſhore, as I believe it will be the caſe. The evidence that you muſt give on board this ſhip, as ſoon as ſhe arrives in England, will be ſent to London, and appear in court whether you are there or not. Now, in that caſe, I hope you will conſider all of you what is the propereſt method to take: for your ſaying that my witneſs was not come, as you ſay in your letter, that is a very fooliſh argument of yours; but I hope you will conſider of what I have inſerted here. As for blue trowſers, I have none: light trowſers I have about ſix pair. In regard of the money you mentioned, you ſhall have it as ſoon as I can get it from the perſon that lends it me. You know perfectly well, that if you were all of one mind, that what I propoſe might be very eaſy done, as there would be very little trouble or queſtions aſk'd of you; for what I offer you, you have no need of being afraid of receiving."

THIRD LETTER.

"I AM very glad to hear that you have accepted my offer, which you may depend ſhall be paid as ſoon as I can get a letter from Liverpool; but if you would rather have bills from me, I muſt break the bill that I have for my voyage, and the bills that I give you muſt go to Liverpool to be paid. You can pleaſe yourſelves, for either way is very agreeable to me, as you may depend upon receiving the money, if you are in any part of the world, by writing to me, or the merchants. I underſtand you

are fearful of being ſtopped in Liverpool; but as to that, you have not the ſmalleſt reaſon to be frighten'd. Since yeſterday, after hearing that you would comply with this offer, I have ſold a great part of my clothes to raiſe money. I expect I ſhall be able to let you have a trifle: you ſhall have the one half that I can raiſe. My advice to you on this buſineſs would be as thus—that when you come to London, and if you can't very well eſcape before the trial comes on, I think, if you could agree amongſt yourſelves, to appear as evidence for me, and againſt the doctor, as every paper concerning the buſineſs is loſt overboard from the bark: there will not be the leaſt inconvenience in ſo doing; then you would have more liberty of getting clear; and, if I ſhould get clear at the ſame time, might go to Liverpool all together."

FOURTH LETTER.

"I DO firmly aſſure you all that it is my ſincere will and wiſh to give you each one hundred pounds as ſoon as I can receive it in London, not to ſtop the ſmall ſum that I ſhall give you on board this ſhip, if you can all determine and be of one mind, as I have wrote to you this afternoon. If you wiſh to have ſeparate bills for the money, and give me the bills when you receive the money, I am agreeable to give you bills; but then I muſt break my own bill, or ſend it to Liverpool, and perhaps muſt wait a long time before it is paid. I will leave all thoſe things to yourſelf, as I have and hope ſhall be your friend. I beg you will ſend me an anſwer upon paper as ſoon as poſſible, and let me know the particulars of your wiſhes and intentions. What clothes I can ſpare, you ſhall have to-morrow."

FIFTH LETTER.

"I AM very happy to inform you that I have met with a friend this morning, and has lent me forty dollars, which you ſhall divide amongſt you. I have made every thing known to him concerning yourſelves and me, as I am ſure he is my friend. He ſays, that you muſt give your evidence on board this ſhip as ſoon

as we arrive in England, and then proceed to London. If that be the caſe, I can tell how you will manage; but my advice to you in that caſe will be as thus—for you all to be of one mind, and to ſay contrary to what has been ſaid of me: by ſo doing, it may be the means of ſecuring your liberty the ſooner. I underſtand Harry and Samuel has not given any evidence as yet, and the evidence that Will has given, the papers are all loſt; ſo that it is a very eaſy matter to ſucceed in theſe propoſals. It would be very eaſy to ſay, that what has be ſworn to was done by a drunken frolick: the perſon that has told me the above has been in the ſame caſe about four years ago. I expect to give you about twenty dollars more as ſoon as I can receive them, which will be on Monday, I expect. I wiſh you could let me have an anſwer to this, and let me know the names you intend to go by, and the place you intend for me to write to in London. I will ſend you what ſhirts I can ſpare to-morrow."

SIXTH LETTER.

"I AM very ſorry that you are ſo uneaſy about your wages; but I do aſſure you, that, if you do me the ſervice that we are upon, you ſhall have the hundred pounds paid to you; and if you are obligated to appear in court, and can make all your minds up to give evidence with me, and againſt the doctor, I will pay you your wages in London myſelf, as, when I get to Liverpool, I can very eaſy receive them from the merchants. It will not be the leaſt troubleſome for you to act upon this plan, and by that means I ſhall be enabled to ſhew you my generoſity for yours, as my life now lays in your own hands, and you are the only people that can ſave it. I hope you will take theſe things into conſideration, and have the generoſity of ſetting me at liberty; when you will then find your generous act rewarded in a manner that, I ſuppoſe, you do not think of. If I am ſet at liberty by you, I muſt be a very unthinking man, and a brute, if I would not reward you to the utmoſt; but the one hundred pounds each you ſhall have as ſoon as poſſible. I will write to Liverpool on our arrival in Eng-

land for the above. I am ſorry that I could not find what I promiſed laſt night; but you ſhall have the remainder, and more, if I can get it, as ſoon as poſſible. I declare to you and the Almighty God, I have only two dollars left, and them I owe to a taylor. Do you think Smith would be of any ſervice to you?—but that I will leave to yourſelves, as you know him better than I do. I hope you will not make any fooliſh uſe of what trifle of money you get, as it may be of great ſervice to you in London. I wiſh you could give me an anſwer to this upon paper. Wiſhing you all ſucceſs and happineſs in your undertakings, I hope and truſt in the Almighty God, that, if you cannot eſcape, and if you are brought into court, that you will fulfil the above deſire."

SEVENTH LETTER.

"I AM very ſorry that you are ſo uneaſy about the money. I can aſſure you that it is far from me to go contrary to my word. I have let you have all I have got, except two dollars: I hope to let you have the remainder to-morrow. You may depend that this ſum, and the ſum that you will receive in London, ſhall not be known to mankind, much more to my owners, Meſſrs. Brades. I gave the articles and wages book to the man that is maſter of the brig when he was on board here: I particularly deſired him not to make any alterations in either the articles or wages book. You may depend there is no remark of your leaving the veſſel; and be aſſured that I ſhall never harm or hurt you any way whatever: all I wiſh is, to ſee you and myſelf at liberty. Believe me you ſhall have the remainder as ſoon as I can get it. Wiſhing you ſucceſs."

EIGHTH LETTER.

"THERE is one thing that I had nearly forgot to mention to you, but I hope it will not be the caſe; that is, if you cannot make your eſcape, and appears in court, and I am cleared, and perhaps you may be ſent on board man of war again, perhaps I may not know the ſhip that you may be ſent to; therefore I

think you had better take care of theſe directions where to write to me in Liverpool, as I do not know any perſon in London, and by that means I ſhall be enabled to ſend you the ſums: but if I am cleared, and has any opportunity to ſpeak or write to you in London, I ſhall let you know where I ſhall ſtop in London, or elſe I ſhall come to ſee you according to your directions; but I truſt in the Almighty God that theſe our undertakings may meet with ſucceſs. If you can only clear me, you will, I do aſſure you, find me your ſincere friend. I have been ſeveral times thinking that you might perſuade Smith to this plan, if you was to go very privately about it. You might tell him, that I have a relation on board that was ſpeaking to you about this matter, but not to tell him what the propoſal is until that you thought he would conſent; but, as you are acquainted with him better than me, I leave that to yourſelf, wiſhing you health and ſucceſs. I have been offered two guineas for my bed: as ſoon as I can get it, you ſhall have them. I have two pair of ſhoes: if you want them, ſpeak. If you ſhould have occaſion to write to me (but I hope to the Almighty that you will not), I muſt not go by my own name, to keep things ſecret; therefore you muſt obſerve theſe directions, and believe me to be your well wiſher and friend when an opportunity offers. I am very ſorry that I have not yet got any more money; but as ſoon as I have, you ſhall have it. The meſſenger wants me to ſend you an account of what dollars I ſent, twenty-ſeven."

Mr. Solicitor General.—You received all theſe letters while you were on board the Northumberland?—A. Yes; and every letter I got I gave them to the doctor as ſoon as ever I got them. I ſhewed them him after I got the firſt; I ſhewed it him after I got the ſecond or third; I ſhewed him them, and ſo on: then he ſaw the whole.

Q. Did you receive any money from the ſame meſſenger?—A. Yes.

Q. How much?—A. Twenty-ſeven dollars, as part of my wages, in one ſum.

Court.—From whom?—A. From the hand of Evans, on part of payment of my wages. In my paſſage home, I told him I would not accept of it without he would mention it on part of payment of my wages.

Q. How many letters did you write?—A. Two or three.

Croſs-examined by Mr. GURNEY.

Q. Is that your hand-writing? *(ſhewing the witneſs a letter)*—A. No; that is not my hand-writing.

Q. Is that your hand-writing? *(ſhewing the witneſs a ſecond letter)*—A. No; the ſecond is not my hand-writing.

Q. Is that your hand-writing? *(ſhewing him a third letter)*—A. No; nor the third is not my hand-writing.

Q. Are theſe two of the letters that you ſent to Chapman?—A. No.

Q. That you are ſure of?—A. That I am ſure of.

Q. You never ſaw either of theſe two letters before?—A. No.

Q. Juſt write, in your common hand-writing, theſe words, "*We do not want*"—*(The witneſs wrote them, and gave the paper to Mr. Gurney).*

Q. This is not as you commonly write?—A. Yes, it is. I can write better ſometimes.

Q. But you did ſend two or three letters, ſaying that, if he would give you ſome money, you would not give evidence againſt him?—A. No; and when I wrote to him, I wrote with a pencil with a bit of lead.

Q. Do you remember aſking him for money, or any of them aſking him?—A. No: he told us, if we would do what he ſaid, he would give us the money.

Q. But you did not ſend for any money at all? you never aſked for any money?—A. No.

Q. Of that you have a diſtinct recollection?—A. Yes.

Q. Were you one of thoſe who went on ſhore at Calabar?—A. Yes; there were eleven of us.

Q. How came you to go on ſhore?—A. He told us: there was ſome diſpute.

Q. Did that diſpute go to the length of his puniſhing you?—A. Yes; he ſtruck one man with his fiſt.

Q. What was that diſpute about?—A. So far as I can recollect, the gunner was ſinging a ſong to the ſhip's company: the priſoner told him to keep ſilence; he told him he would not. With that he brought a piſtol up, and ſnapp'd or flaſh'd it at us. The gunner told him he did not care a damn for him. The priſoner went and hailed

Captain Brown. When Captain Brown came, the gunner ſaid he did not want the ſhip; he only wanted good uſage, and he would have it; or he would blow the ſhip up.

Q. How long were you on ſhore?—A. Five or ſix weeks. We did not go on board the ſhip till the captain came on board another ſhip for us.

Q. Were not you under any apprehenſion of loſing your wages?—A. Yes; he gave me a note.

Q. You were on the beſt terms with him, of courſe, at that time. How long did you all continue on the beſt terms? all the voyage?—A. No; at different times there uſed to be falling out.

Q. How many were flogged during the voyage?—A. I do not think any body eſcaped it; he was ſo much out of humour. I did not eſcape it myſelf: I was flogged once, and at other times ſtarted.

Q. You were not upon very good terms with him; but when he had put you all in good humour by flogging you, you would have us believe he ſaid to the boy, "Damn you, ſir, I will ſend you to hell, where Williamſon is gone;" ſo that he made no ſecret at all of his intention of killing the boy?—A. I believe he meant to finiſh him before he went home.

Q. Then, after having brought you all into good humour by flogging you all, he ſaid he would kill the boy?—A. Yes.

Q. You have ſaid that he beat him with a hand-ſpike?—A. Yes.

Q. And that for half an hour, holding it in both hands, beating him as hard as he could?—A. Yes.

Q. He hit him over the ſhoulders and about the head as hard as he could ſtrike him for half an hour; he knocked him down, and made him get up in order to take another ſpell at him?—A. Yes; he delighted in keeping him in as much torments as he could.

Q. Do not you think it muſt have killed him if he had ſtruck him in the way you have deſcribed?—A. It did not kill him.

Mr. Solicitor General.—You ſay the captain gave you leave to go on ſhore?—A. Yes; he gave us the long boat, and he took the jolly boat, and got there firſt.

Mr. Gurney.—Were you on ſhore at Dominica?—A. Yes, but not to run about. I went on ſhore to take the victuals for the ſlaves to Nutſon.

Q. Had you any converſation with the ſurgeon or any of the crew at Betty French's, at Montſerrat?—A. I uſed to be there off and on: I was there ſeveral times. I uſed to tell Scott, if he did not make it known, I would make it known; if not there, I would at Liverpool. I uſed to go in to Betty French's for a glaſs of grog: ſhe kept a grog ſhop. I told him, if he did not make it be known, I would myſelf; if he did not there, I would myſelf, when I got to Liverpool.

Q. But at Dominica you did not?—A. No; he perſuaded us to let it alone till we got to Liverpool.

Mr. Solicitor General.—You have ſaid the captain gave you leave to go on ſhore; he took another boat, and got there firſt?—A. Yes; he gave us the long boat, and he took the jolly boat.

Q. This was the time when the gunner was ſinging a ſong?—A. No; the next day after this.

Q. However, the captain got on ſhore before you?—A. Yes.

Q. Did you ſee him afterwards on ſhore?—A. Yes; up at the black merchant's.

Q. Did he ſay any thing to you there?—A. He did at the latter, and he aſked me if I would go on board again: he ſaid he would take us all except the gunner. There were four of us refuſed.

Q. Was there any thing done to you on ſhore?—A. No: only one man was carried on board the ſhip.

Samuel Jones ſworn. Examined by Mr. JERVIS.

Q. Were you one of the crew of the Apollo?—A. Yes.

Q. Do you recollect a youth of the name of Robert Dunn being on board that ſhip?—A. Yes.

Q. Do you recollect the captain doing any thing to him after the ſhip's arrival off the coaſt of Calabar?—A. Yes; he flogged him after we got to the coaſt with the cat.

Q. Did he flog him with the laſhes of the cat?—A. Yes, for ſpilling the molaſſes: I recollect he frequently flogged him after that with the cat, but I do not know what it was for.

Q. What number of laſhes did he give him?—A. Five dozen, and ſometimes leſs, and ſometimes more: ſometimes he did it himſelf, and ſometimes he ordered it to be done.

Q. What elſe did he do?—A. I recollect him hanging him up by the heels with a rope over the booms that croſs the main deck: it is a building of ſpare ſpars.

Q. Was he able to touch the deek?—A. He was juſt able to touch the deck with his fingers, and that was all. That was done once, that I ſaw him.

Q. What length of time was he hung up?—A. I think it was two hours and upwards, or three hours, as far as I know. At another time he was hung up in another manner by a chain round the middle, and hung to the caging; and wet ſwabs put about his neck. That was done once, that I ſaw.

Q. What length of time?—A. I cannot ſay properly.

Q. What length of time was it, according to the beſt of your recollection?—A. Two or three hours. At another time he was hung up to a houſe that was built on the quarter deck: he ſtood in this manner (*witneſs extending his arms*), with

his arms ſtretched at full length with a broom-ſtick. He was tied to the chain that went round his neck, each end of it faſtened to his hands; ſo that, if he moved either arm, it brought the chain tight round his neck: this was on the quarter deck.

Q. Had any thing been done to his hair before this?—A. I cannot ſay whether it was before or after. He had one half of his head ſhaved: I did not ſee it done; I ſaw it after it was done. He blacked his middle, and his private parts were tarred.

Q. Was he hung up by his arms?—A. That I did not ſee.

Q. Do you know what proviſions were given him?—A. He was allowed a piece of yam and bread, but no meat.

Q. What allowance of water had he?—A. I cannot tell what allowance it was: it was but a ſmall quantity.

Q. How long was he kept upon this allowance of yam, bread, and water?—A. The chief part of the time that we were upon the coaſt.

Q. Had he any clothes?—A. He wore a piece of cloth round his middle, and afterwards a ſhirt: after that, the captain gave him a coat; he took it from him again, and threw it into the cupboard.

Q. Did you ever hear the captain ſay why he treated him in this manner?—A. I heard the captain aſk him whether he ever thought of living to

get to Liverpool again: he anſwered, yes, he was in hopes he ſhould. The captain replied to him, that he would take d——d good care he ſhould not; for Mr. Williamſon the clerk was gone to hell, and he ſhould follow him: I heard this ſeveral times.

Q. Do you remember his being beat with a handſpike?—A. Yes, ſeveral times; and he was punched with the end of it.

Q. When he was beat with the handſpike the firſt time, tell us how he beat him with it?—A. The captain held the handſpike with the ſmall end of it, and beat him with the big end, and ſtruck him over the head and ſhoulders: it ſwelled his head that no one could tell the ſhape of it; and he knocked him down, and punched him with the end foremoſt.

Q. Do you recollect the time this was done?—A. It was a little time before we came from the coaſt: I ſaw him beating him with the handſpike.

Q. What was the occaſion of it?—A. It was for upſetting the ſlaves tub upon deck.

Q. How long was it before you quitted the coaſt?—A. I believe it was one or two days: we were ſcrubbing the cable upon the larboard ſide of the deck.

Q. What effect had this beating upon the boy?—A. The boy was ſtupid and blind, ſo that he

could not ſee. He was beat before that with the cat.

Q. Did you look at him to ſee what was the effect of this beating him with the handſpike?—A. I did. His head ſeemed to be affected very much, and ſeemed to be ſwelled out of meaſure: the blood and matter from the wounds on his head was always dropping down his body. That was the laſt beating I ſaw.

Q. How long might that be before the boy died?—A. It might be five or ſix days: it was before we left the coaſt. He died afterwards.

Q. Do you recollect where the boy lay at the time of his death?—A. Yes, I do: under the forecaſtle, at a place that was made up for the pigs. He was covered with the tarpaulin.

Court.—Was that the place where he always lay?—A. No; he ſometimes laid in one place, and ſometimes in another. I ſaw him the night before he died: he called me, and aſked me if I could give him a drink of water. I gave him ſome. After he was dead, I ſaw one ſide of his body ſhrunk in, and his breaſt-bone ſtuck out in a point, and his head ſwelled to the top out of meaſure: the blood was running down off his head on his neck down his body, both before and behind; his eyes were ſwelled. It appeared to proceed from the blows upon his head; they ap-

peared black; you could not ſee his eyes without you lifted up the lids.

Q. Did it appear to be occaſioned by the blows on the eyes or the head?—A. By blows on the eyes and on the head.

Q. Did you obſerve his back?—A. His back was beat conſiderably: I did not ſee any thing on his back but bruiſes.

Q. Was his back ſtrait?—A. I cannot ſay whether it was or not.

Q. What was the ſtate of his health before the captain had beaten him?—A. Why, he was in a good ſtate of health: he ſeemed to be a hearty fellow.

Q. Did you obſerve his hands?—A. He ſeemed to ſhake his hands after he was beat: I obſerved that ſhortly after we arrived on the coaſt.

Croſs-examined by Mr. GURNEY.

Q. His hands never ſhook at all till after he was beaten?—A. Not that I ſaw.

Q. Were you one of thoſe that went on ſhore at Calabar?—A. Yes, I was one of the eleven: I was on ſhore three or four weeks.

Q. Pray, did you come on board again until you had a note from the captain for your wages?—A. Yes; I got a note.

Q. You were afraid that if you did not get that note you ſhould not get your wages?—A. No; it was his own propoſal.

Q. Did not you know that by your leaving the ſhip without the captain's leave you had forfeited your wages?—A. Yes; I did know it.

Q. Were you flogged?—A. Yes, I was flogged once.

Q. The captain ſaid he would not take you on board after you went on ſhore?—A. No.

Q. You and the gunner, he ſaid, were two dangerous men. Did not he at firſt refuſe to take you on board?—A. He refuſed when we went on ſhore to take me and the gunner on board; but when we went on board of another ſhip, he was willing to take us.

Q. However, he did flog you?—A. He did not flog me much; and the reaſon of our going on ſhore was becauſe he ſaid he would poiſon the whole ſhip's company: he told us to go on ſhore.

Q. He ſaid he would poiſon you all?—A. Certainly he ſaid he would poiſon us all, and we would ſooner go on ſhore than be poiſoned by him.

Court.—I aſk you whether you mean to ſay, that every one of the men went on ſhore, and left the ſhip, for fear of being poiſoned by the captain?—A. Yes; and to avoid being poiſoned and killed by the captain, and being ſhot by him: he ſaid right up and down he would poiſon us, and we thought he would.

Mr. Gurney.—Then after he had put you in

good humour in this way, he ſaid he would kill this boy?—A. That he ſaid many times.

Q. Did Berrian read any letters to you of the captain's?—A. He did; one or two of them.

Q. Do you recollect what was ſaid to the captain?—A. No.

Q. Did you ever ſay, after the captain had been charged with this at Montſerrat, that it was a made up ſtory, and you were ſorry for what was done; and that, if he would give you your wages, you would make it up?—A. No, I did not.

Mr. Jervis.—Had the captain done any thing with a gun or piſtol before?—A. Yes, he flaſhed it the night before.

Mr. Gurney.—Do you mean to ſay it was loaded?—A. There was a bullet the ſteward drew from one; I took it with me on ſhore.

Mr. GURNEY, *Queſtion to Mr. Scott.*

Q. Look at theſe letters, and tell me whether you know that hand-writing?—[*ſhewing the witneſs two letters.*]

Mr. Scott.—I don't know that hand-writing; I never ſaw it before, to my recollection.

Mr. Gurney.—How many of the party can write?—A. Only Berrian can write, except the marine.

Q. Are they or are they not his hand-writing? Do you not believe them to be his hand-writing?

—A. I cannot ſay that it is, I am ſure; I do not think that he writes quite as well as that; I think it is a better hand-writing than he writes.

Q. Look at this ſmall paper: whoſe writing do you believe that to be? [*Shewing the witneſs the paper written on by Berrian during his croſs-examination.*]—A. I cannot ſay; I do not think he can write ſo well as that.

Q. Do you mean to ſay, that you think he cannot write ſo well as that?—A. He does not ſpell ſo well as that.

Q. Now look at the two letters again, and tell me whether you do not believe them or either of them to be his hand-writing?—A. I cannot poſitively ſay.

Q. What is your belief?—A. I think it is rather better written than the generality of the writing I have ſeen of his.

Q. Suppoſing you had ſeen that writing with Berrian's name ſigned to it, ſhould you have believed it to be his hand-writing?—A. I cannot ſay that it is or that it is not; I have no belief either way.

John Evans ſworn.

Examined by Mr. SOLICITOR GENERAL.

Q. Were you employed as a marine on board his Majeſty's ſhip the Northumberland?—A. I was.

Q. Do you remember after leaving Tortola the

priſoner coming on board?—A. Yes; and there was William Berrian, Jones, and Mr. Scott.

Q. Did Chapman make any application to you after that?—A. The firſt application he made to me was, whether I knew any one that would waſh his linen; I told him I would, by permiſſion of my non-commiſſioned officer. I did it. After that, he aſked me if I knew Mr. Scott, a ſurgeon belonging to the Apollo; I told him I did not know him. He ſaw him coming down the ladder; he told me that was Mr. Scott: he gave me a letter unſealed, with no direction to it; he deſired me to give it to Mr. Scott, and to aſk Mr. Scott to ſend an anſwer. Some time after that he aſked me if I knew William Berrian and Samuel Jones: I told him I did not. He aſked me to deliver twenty-ſix dollars: I made it known to Berrian, who ſaid he would not take it, unleſs Chapman ſaid it was in part of wages. Berrian ſaid he would not receive it.

Q. Did the priſoner ſay any thing about the doctor?—A. The priſoner deſired me to mention to Berrian that he would contradict the doctor in what he had ſaid. Chapman deſired the letter to be broke up as ſoon as he read it, and then to be thrown overboard. Chapman deſired me to mention to Berrian for him to be as favourable as poſſible when called upon his trial. I delivered that meſſage. Berrian made anſwer, and ſaid, that they

would do every thing in their power as far as right would go in his favour. I communicated immediately that anſwer to Chapman.

Q. What did he ſay upon that?—A. He ſeemed not well pleaſed with the return.

Q. Was any enquiry made by him reſpecting the letter?—A. He aſked me whether Berrian broke the letter up, and threw it overboard; I told him that Berrian told me he had done it: that was the firſt letter. I delivered ſeven at different times to Berrian.

Q. Where did you receive them?—A. I meſſed next to the gun-room of the ſtarboard ſide of the ſhip; I received them from Chapman's own hand myſelf. He ſeveral times repeated it over to me, for Berrian and them to be as favourable as poſſible whenever called upon.

Q. Did you deliver any thing to him beſides the money and letters?—A. I did; I delivered, by his requeſt, a ſhirt, two pair of trowſers, one pair of ſhoes, and a handkerchief: he deſired me at this time to deliver them into Berrian's hands, ſaying that they were clothes that were of no ſervice to him; that they were to be ſhared between Berrian and Samuel Jones. At that time he ſaid he hoped they would be as favourable as poſſible when called on his trial: they replied over again, they would as far as they could, ſo far as right would

go. He alſo deſired me at that time to beg that they would contradict the doctor.

Q. Did you communicate to Chapman what they ſaid?—A. I did. Chapman deſired every note that I delivered from him to Berrian to be broken up and hove overboard at the time, whenever he had looked over them, as he thought proper.

Croſs-examined by Mr. ALLEY.

Q. Can you read or write?—A. I can.

Q. Do you know Berrian's hand-writing?—A. I have ſeen Berrian's hand-writing ſince I have been on board the Tender. I carried two of Berrian's letters to Chapman. I have ſeen the writing on the outſide; I never looked inſide the letters—[*The letter which was ſhewn to Berrian, and which he denied as being his hand-writing, was handed to the witneſs*]—it was nearly about the ſame ſize as that is folded.

Q. You have ſeen Berrian write?—A. I have, on board the Enterprize.

Q. Do you believe that to be or not his hand-writing?—A. I cannot ſay.

Court.—You have ſeen Berrian write?—A. I have.

Q. Are you particularly acquainted with his hand-writing, ſo as to be able to form any opinion whether you believe that letter to be his writing or not?—A. It appears much in imitation of Berrian's writing.

Mr. Alley.—Do you believe it to be his or not?—A. It appears much to be his writing.

Q. You do believe it to be his hand-writing?—A. Berrian ſeems to write a ſmaller hand than that letter.

Q. This is three times as large (*ſhewing him what Berrian had written in Court*). Look at that, and tell me whether you know it? [*The witneſs heſitated.*]

Court.—Can you form a belief of either of theſe two papers, whether they are his hand-writing or not? Do you ſufficiently know Berrian's hand-writing, to form an opinion whether they are his writing or not?—A. This letter is very much in imitation of his.

Q. Do you believe it to be his?—A. I do believe it; but I cannot poſitively ſay it is; but his hand-writing appears to be a much ſmaller hand than that letter.

Mr. Solicitor General.—How often have you ſeen Berrian write?—A. I ſaw him write two or three times on board the Enterprize.

Mr. Gurney.—The witneſs ſays, that Berrian's general writing is ſmaller than the letter; and, to prevent the reſemblance being traced, Berrian has written a character three or four times as large.

Dr. Powell ſworn.

Examined by Mr. SOLICITOR GENERAL.

Q. You are a phyſician?—A. Yes.

Q. I believe you have heard the evidence given in court to-day ?—A. I have.

Q. Are you able to form any judgment reſpecting the cauſe of the death of this perſon about whom we are now inquiring ?—A. I ſhould believe it was the effect of ſeverity.

Q. From what circumſtances, Sir ?—A. Many of the acts of ſeverity which have been deſcribed, if they are believed, were in themſelves ſufficient to deſtroy life at the time of their infliction.

Court.—The facts that have been deſcribed were ſufficient in themſelves to have cauſed death ?—A. Yes; at the time they were inflicted.

Mr. Solicitor General.—You mean by that, immediate death ?—A. I mean that if, for inſtance, a man was hung up by his heels, without being able to ſupport himſelf by his hands, that might probably have cauſed his death before the end of four hours: I do not ſay that it muſt neceſſarily have done ſo.

Q. Suppoſe, Sir, that immediate death was not cauſed by that ſeverity, would it contribute with other acts of ſeverity to his death ?—A. Certainly.

Q. In what way would it contribute to his death ?—A. It would affect the general health of the boy, and thus accelerate his death. What I mean is, that by continued acts of ſeverity a boy muſt at laſt be worn out, independent of the immediate effects of any one ſuch act.

Q. You do not mean to ſay that this one act of

ſeverity alone muſt be enough to produce his death? —A. No; for it did not do it.

Q. Now, with reſpect to the beating the boy with the handſpike, you obſerve it did not produce death?—A. It did not immediately: I ſhould think from its violence that it probably would.

Q. Suppoſe ſuch a beating was inflicted upon him, would it afterwards contribute to his death, although it did not produce immediate death?—A. Probably it would.

Q. Would the deprivation of food and due quantity of water contribute to his death?—A. It would injure his health, though life may be ſupported by a ſmall quantity of food. The feeding him upon yams and water was certainly a poor and miſerable diet, and muſt have tended to reduce his ſtrength; but I think the beating with the handſpike would have produced local injury about the head; and even if he was in good health at the time, would have contributed to his death.

Q. Are there any circumſtances either in the climate or employment of this boy, he being an attendant upon the ſlaves, by which you can account for his dying as he did?—A. No diſeaſe has been deſcribed which can be attributed to ſuch a cauſe.

Q. Do the appearances upon the body (I mean the wounds and ſwellings deſcribed by the witneſſes) lead you to form any judgment con-

cerning the cauſe of his death?—A. He is deſcribed as having been much bruiſed, particularly about the head, and much emaciated in his body; probably, then, theſe injuries were the cauſe of his death.

Q. Suppoſing death to have been occaſioned by ſuch previous ill treatment, would the body appear in ſuch a ſtate as the witneſſes have deſcribed?—A. I think it would to a certainty.

Q. You obſerve that the breaſt-bone has been deſcribed to have projected, the belly to be ſunk; would this have been the natural conſequence of ill treatment?—A. Not entirely; but as the body became more emaciated, the more the ſhape of the bony arch forming the cheſt muſt have diſcovered itſelf. I ſuppoſe he may have been what is called chicken-breaſted.

Q. You obſerve that the witneſſes deſcribe the deceaſed as having a trembling, or Saint Vitus's dance, and as having ſores upon his legs; could theſe circumſtances have cauſed his death?—A. I think not ſuch a death as they have deſcribed; they might have increaſed nervous ſymptoms: but the ſhaking of the hands has not been deſcribed as having much increaſed.

Q. Are you able to pronounce with certainty, ſuppoſing the facts are true as deſcribed, that they were the death of this boy?—A. Not with certainty, it is my belief; but I ſhould certainly qua-

lify it, knowing nothing of the caſe farther than from deſcription.

Q. If the ſeries of ill treatment did produce death, are you of opinion that life would go out of the body in the way deſcribed?—A. I think it would in the way deſcribed.

Croſs-examined by Mr. GURNEY.

Q. The coaſt of Guinea is a very unhealthy climate?—A. A moſt unhealthy one, and ſo is the trade itſelf.

Q. It is not always poſſible, with certainty, when perſons die naturally, to tell the cauſe?—A. It is not.

Q. You were aſked reſpecting the priſoner, who, for half an hour together, is deſcribed as beating him with a handſpike: ſhould you have thought it probable he would have ſurvived that time?—A. I ſhould have thought it more than probable that he would not have ſurvived ſuch ſeverity.

Mr. Solicitor General.—Suppoſing the youth to have died from the unfavourableneſs of the climate, what would have been the diſorder and ſymptoms of ſuch a death?—A. It is impoſſible to ſay; it might have been from various diſeaſes, and of courſe with various ſymptoms.

Q. By the account given of this boy's death,

do you obſerve the marks of any diſorder produced by the climate?—A. Certainly not.

Court.—I wiſh to know whether, notwithſtanding this ill uſage, you can attribute the boy's death to the climate?—A. No, I cannot. Speaking with all the caution that is neceſſary in ſuch a caſe, I ſhould attribute the boy's death to the injuries of the head, connected with the emaciation of the body.

Q. The blows given by the handſpike, as deſcribed, you conceive muſt have produced inſtant death?—A. I think moſt likely they would a ſpeedy death.

Q. The ſuſpenſion by the heels with the head downwards, for four hours, would produce almoſt immediate death?—A. Yes; I ſhould think ſo for ſo long a time.

Q. I take it the ſuſpenſion by the wriſt would not have cauſed death of itſelf?—A. Certainly not.

Q. Then am I to conſider that the material acts which contributed to, and which might produce death, are the blows on the head, the ſuſpending him with the head downwards, and not giving him ſufficient quantity of food?—A. Certainly.

Q. Taking it for certain, from the evidence, that his allowance of yams or bread was about a pound a day; another witneſs has ſaid about a pound and a half, with three panakins of water, which has been ſaid to be about three half pints;

would that have cauſed his death?—A. I think a boy would become emaciated upon ſuch a diet, but I think he would not be killed by it; indeed, I do not think any circumſtance deſcribed would be more likely to kill the boy than the beating him on the head with the handſpike.

Q. It is proved that he was ſuſpended in one or two inſtances horizontally, with his face upwards and ſometimes downwards; would that cauſe death?—A. It was great ſeverity. It is hard to ſay what a boy would bear; but a ſeries of ill treatment muſt weaken him at any rate.

Mr. Gurney.—I will aſk you, Sir, whether you think it probable that, after a boy had been ſuſpended for four hours with his head downwards, he would be able to walk upon deck, or walk acroſs the deck?—A. I ſhould think he would be very little able to do it.

Mr. Ramſden, ſurgeon, ſworn.

Examined by Mr. JERVIS.

Q. I underſtand, Sir, you are ſurgeon to St. Bartholomew's Hoſpital?—A. I am one of the aſſiſtant ſurgeons.

Q. You underſtand, from the evidence that has been given in court to-day, that certain acts of great ſeverity were inflicted upon the boy. What is your opinion of thoſe acts, ſuppoſing the boy to

have had theſe beatings as were deſcribed by the witneſſes---the beating with the handſpike, and receiving five dozen laſhes at a time, and to have been beaten with the handle of the cat? Were theſe inſtruments, and the ſeverity with which they were uſed, ſuch as were likely to contribute to the death of this perſon?—A. Having heard the whole of the evidence, I am of opinion that the ſymptoms under which Dunn died aroſe from the ſeverities, generally, which have been ſtated in evidence.

Q. Be ſo good as to enumerate the ſeverities which, in your opinion, occaſioned the boy's death.—A. I attribute his death more immediately to the beatings with the handſpike.

Q. Was that beating with the handſpike, as given in evidence, ſuch as muſt neceſſarily occaſion the death of the deceaſed, or ſuch as might occaſion his death?—A. I ſhould have expected that blows given with the full force of the handſpike, as deſcribed on one occaſion, would have produced inſtant death. It appears, however, that the beatings did produce wounds and ſwellings, with conſiderable enlargement of the ſcalp; and, therefore, I feel myſelf bound to declare that his death was occaſioned by theſe circumſtances.

Q. In your judgment, Sir, did theſe ſwellings, ſuch as are deſcribed to have taken place on the ſcalp, and the ſwelling on his head and eyes; were they from the beatings deſcribed by the witneſſes?

—A. I think they were ſuch as would neceſſarily ariſe from the beatings.

Q. Suppoſe the boy had been afflicted with St. Vitus's dance, would that diſorder produce ſwellings ſuch as deſcribed by the witneſſes?—A. I preſume that it would not.

Q. It has been ſtated by the witneſſes that the boy was ſuſpended by his legs four hours: what, in your judgment, would be the effect of that ſuſpenſion?—A. I ſhould have ſuppoſed it would have produced ſtupidity, or even apoplexy, if he had been ſuſpended ſuch a time: I cannot credit that he was ſuſpended ſuch a time.

Q. Then, in your judgment, if he had been ſuſpended ſuch a time, you conceive it would have produced ſtupidity, or apoplexy?—A. I conceive it would have produced either one or the other; inſtead of which, we are told that he was calling out, and that upon that account he was taken down.

Q. Then, in your judgment, upon his being taken down on account of his calling out, it could not be the cauſe of his death?—A. A repetition of ſuſpenſion would make him ſtupid, and would contribute towards his death, by debilitating him.

Q. Were there any inſtances of ſeverity as deſcribed by the witneſſes that, in your judgment, would have produced ſuch a death? Would the beating him with the handſpike, together with

the deprivation of food and water, contribute to ſuch an end?—A. They would contribute to his death: the privation of a proper allowance of food would leſſen the immediate effects of the blows, but afterwards contribute towards his death.

Court.—They would leſſen the inflammation?—A. Yes, my Lord, but would produce death in another way; as, indeed, ſeems to have been the fact in the preſent caſe, ſince Dunn did not die of inflammation of the brain, but of debility.

DEFENCE.

My Lord,

HAVING an impediment in my ſpeech, which renders me incapable of verbally ſtating my defence, I have committed it to writing, and humbly beg your Lordſhip's permiſſion to have it read.

I had the misfortune to have under my command a ſet of men of the moſt wicked and mutinous diſpoſition, and who took every poſſible opportunity to diſobey my orders, and inſult me perſonally, inſomuch that I continually conſidered my life in danger: indeed, they have not only threatened but have actually aſſaulted me. Upon one occaſion I was ſeized, and about to be thrown overboard; and upon others the crew have, in a body, threatened me with deſtruction, if I proceeded beyond a certain part of the veſſel.

Beſides theſe acts of violence, the men one and all neglected their duty; and, when I was upon the coaſt of Calabar, the chief part of them deſerted, and remained abſent for ſeveral weeks.—The conduct of the doctor was particularly improper: inſtead of attending the ſick when they were confined to their hammocks, he was generally in a ſtate of inſenſibility from drunkenneſs;

and from his frequent criminal neglect of duty, and from my having reason to believe that several of the slaves and crew lost their lives owing to his inattention, I at length felt myself warranted in punishing him; and it is because I did so, that he is now persecuting me with unrelenting malignity.

A similar motive of resentment actuates the rest of the witnesses; but I believe they would not of themselves have formed such diabolical charges, and that they have been urged on by the surgeon.

When the crew have been conducting themselves in the mutinous manner I have described, and particularly upon their deserting, I threatened them with the loss of their wages: this induced some of them to desert a second time, and I could not procure their return until I gave them an undertaking in writing that they should receive their wages upon their arrival in Liverpool, which they would have done, had they afterwards conducted themselves properly: but Scott told the men, that, notwithstanding the undertaking, I intended to prevent the owners from paying them; and by thus irritating the crew against me, they were easily brought over to his purpose: he then tutored and instructed them what to say, and they have asserted whatever he dictated.

The witnesses stated at my examination, that I publicly and repeatedly mentioned in their presence my intention to destroy the deceased; but I submit to your Lordship that, if I was even wicked enough to commit the enormities they have accused me with, whether it is probable I could have made use of expressions so repugnant to human nature, and dangerous to myself, were I even upon the best possible terms with them: but when it is considered that we were so particularly hostile to each other, surely no one can for a moment believe I could have used such language in their hearing.

I solemnly declare there is no foundation for any of the offences or cruelties which the witnesses impute to me: I was always attentive to the wants of the sick, and anxious that they should receive every possible assistance, and it was this anxiety that led me to chastise the surgeon for his shameful neglect of duty.

If I had been the cruel monſter the witneſſes repreſent, would they not have availed themſelves of the firſt opportunity to prefer their accuſation? Inſtead of ſo doing, not a word was mentioned by either of them until the 12th of July, though they had been frequently on ſhore at Dominica and Montſerrat for upwards of a month previous to that time; and I ſhould alſo obſerve, that Scott went to the Cuſtom Houſe at Dominica, and ſwore to the truth of his journal, in which there is entered a true and accurate deſcription of the diſeaſes which cauſed the death of the perſons he now falſely accuſes me with murdering. I therefore ſubmit to your Lordſhip, that, had I been a guilty man, and he had inſerted a falſe account in his journal from any apprehenſion of danger, that no ſuch motive could influence his conduct at Dominica: he had there an opportunity of correcting his entries, and denouncing me, without any riſk whatever; but he knew that his journal was true, and he therefore ſwore to it without heſitation.

I have been given to underſtand, that, previous to the men preferring the accuſation, they had frequent meetings and conſultations on ſhore; and the doctor has been often obſerved inſtructing them, and telling them to "Say as he did, and they would be ſure to ſucceed and get ſatisfaction."

I am informed that courts of juſtice have but too often to lament the little regard paid to an oath by common ſailors, when they have any revenge to gratify or intereſt to ſerve: in this caſe, both thoſe cauſes have operated upon the witneſſes to invent the ſtory they have told. I had puniſhed them repeatedly, and could not have proſecuted my voyage unleſs I had ſo done: this excited their reſentment; and they had great reaſon to fear, and did fear, that, if I came to England maſter of the veſſel, I ſhould prevent them receiving their wages; therefore not only their reſentment, but their intereſt, urged them to ſeek my deſtruction.

The facility with which charges may be made againſt the maſters of veſſels muſt appear obvious to every one. The crew who have behaved mutinous and refractory, to avoid the puniſhment which

their conduct merits, may conspire together, and readily fabricate an imputation of murder against the captain, without any possibility of his disproving the charge by positive testimony; and this, my Lord, is precisely my situation; but I trust the wicked conspiracy which has been entered into to take away my life will be completely frustrated, and my innocence demonstrated.

As considerable stress has been laid on my having written letters to the witnesses, I beg leave to state the way in which the correspondence arose. During my passage home in the Northumberland, frequent messages and letters were brought to me from the witnesses; in some of which they admitted that they were sorry for what they had done, and in others demanded money: all the letters, except two, I have accidentally lost in my different removals. In consequence of these letters and messages, and from having observed the art and wickedness with which the witnesses had framed their stories, notwithstanding my innocence, I was alarmed for my safety, and, acting under that alarm, I was imprudent enough to write some letters to them: but I solemnly assure your Lordship that I was not impelled by a consciousness of guilt, but a natural anxiety, which I should think every man so circumstanced would feel, rather to part with the last shilling I possessed, than to risk my life being sworn away by those mercenary and wicked people.

In some of those letters I may, perhaps, have used words which will bear a different interpretation to that which I intended; for, being an ignorant illiterate man, and having followed a seafaring life since I was ten years of age, I am not so capable of explaining myself, and have not acted with that prudence, perhaps, which those who are more conversant with the world would have done: but I most humbly trust that these letters, which were written in the moment of alarm and apprehension, and which originated merely in imprudence, will not be construed into a confession of guilt.

From my infancy, up to the time of those unfounded charges being made, neither my honesty, integrity, or humanity, were

ever impeached. In one voyage, the ſurgeon died ſhortly after we ſailed; and I voluntarily attended the ſick both with nouriſhment and medicine, as far as my abilities permitted me to adminiſter them: this will be proved by the captain under whom I ſailed. I ſubmit, therefore, to the conſideration of this honourable Court, whether it is probable that I ſhould ſo ſoon reverſe my conduct, from kindneſs and attention to the ſick, to the very extreme of brutality towards them.

I will not further trouble your Lordſhip; but ſhall now leave my caſe in your hands, firmly perſuaded that an impartial, intelligent, and diſcerning Jury of my Country, will diſcover the motives which actuate the witneſſes, and protect me againſt the machinations of my enemies.

John Bell ſworn. Examined by Mr. GURNEY.

Q. You, ſir, are commander of the merchant ſhip Hazard?—A. Yes.

Q. Were you at Montſerrat at the ſame time as the Apollo?—A. Yes.

Q. Do you remember ſeeing Scott, and the other perſons that have been examined, in converſation together?—A. I did, one evening, at the door of the gaol: I was applying to go in to Captain Chapman. When I came there, as I was ſtopping at the door, I ſaw the ſurgeon of the Apollo talking through the grate to the priſoners inſide; that is, the other part of the crew.

Q. Do you mean the other witneſſes that have given evidence?—A. Yes; the witneſſes that I

ſaw examined to day were in the gaol: he was talking through the bars to them.

Q. Did you hear any part of what he ſaid?—A. I heard him ſay they need not be afraid of their wages, if they ſtuck true to him.

Q. What was returned in anſwer?—A. I don't know: I heard ſome anſwer given, but did not hear what it was. I heard him reply to the anſwer, "That will not do; we muſt be of one ſtory, or we can make nothing of him." The ſurgeon then came away, as the turnkey happened to come up at the time: he turned away, ſaying, "We have got him faſt. I'll make him repent flogging me."

Q. You were preſent at Montſerrat when the witneſſes were examined?—A. I was.

Q. You heard the ſurgeon and the other men examined?—A. I did.

Q. Did they either of them, in either of their examinations, make any charge againſt the captain of his having hung the boy up by the heels?—A. Not to my knowledge.

Q. Were the depoſitions that were taken afterwards in your care?—A. They were; they were loſt.

Q. Have you any means of knowing how they were loſt?—A. I have not.

Q. How many perſons were on board your ſhip?—A. There were ſix of us. Chapman and the mate

were in my bed-room. I do not know how they were loſt.

Q. You were preſent at the time the witneſſes were examined?—A. I was there at the time they were examined. I cannot charge my memory that there was any charge made againſt the captain for hanging the boy up by his heels.

Q. Was any part of that charge for hanging him up three or four hours by the heels?—A. Not to my recollection.

Q. Could you have forgotten it in ſo ſhort a time, if there had been any thing ſaid about hanging him up by the heels for three or four hours?—A. I ſhould have thought not.

Croſs-examined by Mr. SOLICITOR GENERAL.

Q. Where were the depoſitions placed on board your ſhip?—A. In my bed-room.

Q. Were they locked up?—A. No; they were not locked up.

Q. Were they in any drawer?—A. No; they were in the cabin: they were open to them that were in my cabin.

Q. Your's is a bark?—A. Yes; a bark.

Q. Did you yourſelf do any thing to the depoſitions?—A. Not I, upon my word; not I, indeed.

Q. You don't know who did?—A. No; I did not miſs them until I was in the boat going to the ſloop of war. I went down, expecting to find them there. I was forced to deliver the men up with-

out them : this was about ſix o'clock in the evening. I do not recollect ſeeing them after eleven o'clock in the forenoon. I miſſed them at ſix o'clock in the afternoon.

Q. Had Chapman been in the cabin during that time?—A. He had.

Q. Had he any company with him?—A. He was in company with me and Mr. Adams, part owner of the veſſel.

Q. Was there any other perſon with you in the cabin?—A. There was another perſon; but I believe we were moſt part of the time on the deck, including Chapman.

Q. Was he at any time in the cabin when you were not with him?—A. I do not recollect; I believe he might be there when I was not with him; but ſome perſon was with him; ſome of the paſſengers.

Q. The examination which you heard, was it before or after the converſation that you heard between Scott and the witneſſes?—A. The examination was before.

Q. How many perſons were examined?—A. To the beſt of my recollection, there were five.

Q. You heard all the five perſons examined?—A. I do not think I was out a quarter of an hour during the whole time: it took up from about half paſt ten in the morning till about four in the evening, or five.

Q. Were they ſeparately examined?—A. Yes, one by one.

Q. Was the ſurgeon examined firſt or laſt, do you remember?—A. To the beſt of my recollection, I believe he was examined firſt, and the other perſons afterwards.

Q. Did you hear what he ſaid?—A. Yes.

Q. They were called in ſeparately, and examined?—A. Yes.

Q. Did each of them deſcribe that this boy had been ill treated by the captain?—A. They did.

Q. Did each of them deſcribe that his death was owing to that?—A. I cannot ſay that either of them ſaid his death was occaſioned by that: they ſaid he was ill treated by the captain; that on his back he had put a red hot iron to let a gun off.

Q. Which of them are you ſpeaking of?—A. The boy, I believe.

Q. Can you diſtinctly relate all that was ſtated by them?—A. No.

Q. Can you diſtinctly ſay that you heard nothing ſaid about hanging him up by the heels for any length of time?—A. I did not hear any thing of that.

Q. In the month of July laſt did you ſend any written account to Admiral Cochrane?—A. No written account went from me to Admiral Cochrane.

Q. No account?—A. No written order: I ſpoke to him myſelf.

Q. Did you give no account?—A. I did; I told him the depoſitions were loſt: I told Admiral Cochrane myſelf of it.

Q. Did not you tell Admiral Cochrane they were loſt when you and the owner of the veſſel were upon deck; that, by reaſon of a ſquall coming on, you had gone on deck, leaving Chapman in the cabin? You are upon your oath.—A. I am upon my oath, and I will ſpeak the truth.

Q. Did not you ſay that you went on deck, leaving the maſter of the brig below: in the courſe of half an hour you went below again, and found them gone; and nobody was in the cabin but Chapman during the time you were on deck?—A. No ſuch account was given by me.

Q. Who did you repreſent to be in the cabin at the time the papers were loſt?—A. I made no repreſentation; I did not ſay any body at all was in the cabin.

Q. Upon your oath, did you not ſay who was in the cabin?—A. I did not ſay that any perſon was in the cabin at all: I related to him truly how they were loſt, the ſame as I do to you.

Q. And can you take upon you to ſwear that you ſent no line or letter to Admiral Cochrane?—A. I never did.

Abiah Dubry ſworn. *Examined by Mr.* ALLEY.

Q. You are the mate of the Lady Parker Weſt Indiaman?—A. Yes.

Q. Were you at Montſerrat at the time the Apollo was there?—A. Yes.

Q. Do you know the houſe kept by Betty French?—A. Yes; I ſaw Scott, Smith, Jones, and Berrian, at her houſe, and the carpenter.

Q. Had you an opportunity of hearing the ſurgeon ſay any thing to theſe witneſſes?—A. I was ſeveral nights in the houſe. One night the doctor, and two or three of them who are here, and the carpenter, were conſulting together. I heard Captain Chapman's name mentioned ſeveral times; and, when they got up, Scott ſaid, "If you all ſay as I ſay, there is no fear but we ſhall do him." This was before Chapman was taken into cuſtody, and I heard a ſimilar converſation one night after he was in cuſtody.

Q. How long before the captain was taken was it that you heard the firſt converſation?—A. It might be a week or a fortnight; but I cannot ſay poſitively.

Q. Did any of theſe men apply to be taken on board your ſhip?—A. They all did, but the ſurgeon: we could not take them, becauſe we were both aſſigned to one agent.

Q. Did they give you any reaſon why they wiſhed to go on board your ſhip?—A. They told me the reaſon was, they had abſconded from the veſſel, and the captain would ſtop their wages.

Q. Did they aſſign any other reaſon?—A. They did not.

Q. This was before they had made the charge againſt the captain?—A. Yes.

Croſs-examined by Mr. JERVIS.

Q. Your ſhip was conſigned to the ſame agent?—A. Yes.

Q. Do they belong to the ſame owner?—A. No.

Q. Of courſe, your agents muſt have known that they came from the Apollo?—A. Yes.

Q. And the reaſon they aſſigned for wiſhing to come to your ſhip was, that they were afraid of loſing their wages?—A. Yes.

Q. You heard the ſurgeon ſay, "If you all ſay as I do, there is no fear but we ſhall do him?"—A. I heard the ſurgeon ſay, "If you ſay as I ſay, we ſhall do him;" and they mentioned Captain Chapman's name frequently.

Q. Was that before or after they had been examined?—A. Before they were examined.

Q. Do you know when they were examined?—A. I believe it was in the beginning of July.

William Hoſkins ſworn.

Examined by Mr. GURNEY.

Q. I believe you are purſer of his Majeſty's ſhip Challenger?—A. I am.

Q. Pray, Sir, have you ever had any converſation with ſurgeon Scott reſpecting this proſecution?—A. I have, about three months ago, on board the Challenger.

Q. Did he ſtate to you the reaſon why he proſecuted?—A. He told me that Captain Chapman had exerciſed a variety of barbarities againſt the ſhip's company on her paſſage from the coaſt of Guinea to St. Dominica. I aſked him why, upon his arrival at that iſland, he did not make the governor, or ſome other perſon of authority, acquainted with it; I alſo aſked him, if he was not under the neceſſity of delivering in his medical journal on his arrival at Dominica, as I underſtood it was the cuſtom: he told me he had done ſo. I aſked him if he had deſcribed the manner in which the people died, and the treatment they received, in that journal: he told me he had ſtated in his journal that they had died naturally, and he deſcribed the methods of treatment he had adopted reſpecting them. I aſked him if he had ſworn to the journal: he ſaid he had ſworn to it, but what was ſtated in that journal was not true. I aſked him why he did not make ſome proper perſon acquainted with the treatment of the men previous to his ſwearing to the journal: he ſaid he was in dread of Captain Chapman. He afterwards informed me that they proceeded from Dominica to Montſerrat, and ſaid that, had he not been puniſhed by the captain at Dominica, he never ſhould have mentioned a word about it; but he was determined to be revenged on him.

Captain James Brown ſworn.

Examined by Mr. ALLEY.

Q. What ſhip do you belong to?—A. The Elizabeth: I was at the coaſt of Calabar at the time the Apollo was there.

Q. Do you recollect in the month of October going on board the Apollo?—A. I do: Captain Chapman hailed my ſhip, and I went on board.

Q. Deſcribe the ſituation you found the crew, and the reaſon why Captain Chapman hailed you on board?—A. When I went on board, Captain Chapman told me that his life was in danger; that the whole of the people had collected themſelves on the ſtarboard ſide of the deck, and were making a great noiſe; that he had deſired them to be ſilent: they told him they would not; and if he came forward, they would knock him down with a handſpike. They were all in a mutinous ſtate. I went forward, and aſked them what was the reaſon they would not obey their captain. They ſaid, they had obeyed him too long. The gunner told me he had the key of the magazine, and he would ſtick cloſe to it: he would ſet it on fire, if the captain did not take care, and that he would blow the ſhip up.

Q. When you were going over the ſide of the ſhip, and leaving the veſſel, did you hear any thing particular relating to yourſelf?—A. I heard

one man ſay, "Damn his eyes, why does he not mind his own ſhip? Heave him overboard. What buſineſs has he here?"

Q. In conſequence of this mutinous diſpoſition, did you make any threat?—A. When the gunner told me he would ſet fire to the magazine, I told him it was a dangerous word; and if they did not return to their duty, I ſhould be under the neceſſity of laying my ſhip alongſide of them, and compel them. There were three or four made anſwer, They had guns as well as I had, and they would ſee who would fight the longeſt.

Jonathan D'Arcy ſworn.

Examined by Mr. GURNEY.

Q. I believe, Sir, you are captain of a ſhip?—A. Yes, I am. The priſoner ſailed with me one voyage: I have known him upwards of twenty years.

Q. How has he conducted himſelf during thoſe twenty years?—A. During the voyage he was with me, the doctor died three weeks after I ſailed: he volunteered to fill the place, and he conducted himſelf with great humanity to the ſeamen and the ſlaves. I had that character from the captain I received him from, and I alſo gave him that character to the captain he went with afterwards.

MR. JUSTICE LE BLANC:

Gentlemen of the Jury,

THE evidence both on the part of the profecution and on the part of the priſoner being cloſed, it now becomes my duty to recapitulate it to you, and to make ſuch obſervations as occur, and it will then be for you to determine the merits of the caſe.

Gentlemen, the charge againſt the priſoner at the bar is one of the moſt ſerious which can be preferred againſt any man: it is that of wilful murder. The indictment charges him with having violently and felonioufly aſſaulted Robert Dunn upon the high ſeas, and occaſioned his death by a ſeries of ill treatment and acts of ſeverity; among others, the ſtripping him of his clothes, and obliging him to go naked—ſtriking him with a cat upon his head, and alſo beating him with a handſpike—ſuſpending him with cords and chains about his arms and different parts of his body to various parts of the ſhip; and that by theſe means he murdered him.

Gentlemen, the firſt queſtion that you will have to conſider will be, whether you are ſatisfied that the deceaſed (who was an apprentice to ſome perſon belonging to the ſhip) died in conſequence of the ſeverities mentioned in the indictment; and if you ſhould be of opinion that he did, and that the priſoner inflicted thoſe acts of ſeverity upon him, he will then be guilty of the charge of murder. If you ſhould be of opinion that they did not of themſelves cauſe his death, but that they contributed thereto or were the occaſion of accelerating it, in that caſe he will be equally guilty, and it will be your duty to pronounce him ſo by your verdict: but, as it appears to me, the moſt difficult queſtion upon which you will have to make up your minds will be, whether the priſoner did or did not commit thoſe acts; for if he did, very little doubt can, I think, be entertained, but that they either actually occaſioned or at leaſt accelerated the death of the deceaſed; and this queſtion muſt be determined entirely upon the credit you give to the different witneſſes who have been called upon the part of the proſecution.

The priſoner ſtates in his defence, that he was captain of a veſſel, that the witneſſes againſt him compoſed part of his crew; that they were very mutinous and refractory; that he was compelled to exerciſe a ſevere diſcipline upon them; and that they have manufactured and brought forward this charge againſt him, not for the purpoſe of juſtice, but merely to gratify their revenge.

Gentlemen, it will be for you, when you have maturely conſidered all the circumſtances of this caſe, to ſay whether the witneſſes have told you a true ſtory, or whether they are men to whom you can or ought to give any credit. There are ſome facts about which there ſeems to be no diſpute;—that the priſoner was captain of the Apollo, a veſſel in the African trade, which ſailed from Liverpool, and, having performed her voyage, arrived in the Weſt Indies; that when at Montſerrat, this charge was made, and the priſoner ſent to England for the purpoſe of taking his trial; the witneſſes were likewiſe ſent home, for the purpoſe of giving their evidence before you.

Gentlemen, it can be little doubted that the crew of the ſhip, while it lay at Calabar, conducted themſelves diſobediently and very irregularly (they themſelves ſay they were not mutinous); but they appear to have been in open reſiſtance to their captain, and oppoſing him ſo much, that he was obliged to call another captain to his aid and aſſiſtance: this is perfectly clear, I think. It is alſo pretty clear that the captain, from the conduct of his crew, was obliged to puniſh them, and he ſays they bore him ſome ill-will in conſequence; but whether that has urged them to accuſe him unjuſtly, you are to judge. There is another circumſtance which I will ſtate to you in the outſet, for the purpoſe of laying it further out of the caſe; it is this: If a captain of a ſhip, in a courſe of diſcipline which he has a right to exerciſe, exceeds the proper bounds of puniſhment, or if he does it with an improper inſtrument, ſo as to occaſion the death of the party, there can be no doubt but it would be murder in the perſon who ſo inflicted it. And here, I think, there can be no queſtion that the deceaſed was not a perſon who had conducted himſelf in ſuch a way as to de-

ſerve the treatment alleged to have been beſtowed upon him by the captain. It is true, that he had been guilty of trivial faults; but there is no evidence before us, that he was guilty of any offence to call for ſuch heavy puniſhment as the witneſſes deſcribe him to have received.

Gentlemen, in the firſt place, you will conſider, whether you can be fully ſatisfied that the priſoner acted toward the deceaſed as the witneſſes have deſcribed; and you will compare the facts they ſtate with your own obſervations, and with the opinion you have heard from the medical perſons; and then judge whether you are ſatisfied that ſuch treatment was the occaſion of his death.

Gentlemen, the firſt witneſs called before you is John Scott. who was ſurgeon on board the ſhip: he ſays, the crew conſiſted of twenty-five men and the captain; that Robert Dunn, the deceaſed, was put on board that veſſel, and was brother-in-law to the wife of one Mr. Brade, the owner of that ſhip; that he was in good health when he went on board the veſſel; that the veſſel arrived in October 1806 on the coaſt of New Calabar; that, during the outward voyage, the captain turned him out of the cabin, where he uſed to meſs, and he ſpeaks of the boy having been flogged with a cat of nine tails. He then proceeds to ſtate what paſſed after the veſſel arrived at the coaſt of Africa. He ſays, the veſſel lay five months off Calabar, and while ſhe lay there he has known the captain give him five dozen laſhes at a time; that the handle of the cat was heavy; it was made of the wood of that country. He ſays, that the flogging was ſometimes done by the captain himſelf, and at other times by his directions; and he has known him take hold of the laſh or line of the cat, and ſwing it about the boy's head, and beat him with the handle. Then he deſcribes him as having his back and temples very much cut and bruiſed, ſays that it produced a kind of ſtupidity in the boy, and bleeding from the head and temples; that this treatment commenced ſoon after the ſhip arrived on the coaſt of Africa, and continued till the time of the boy's death; that Henry Smith the gunner died the 18th of January, and this puniſhment commenced after the death of Smith. He

gives us an account of an expreſſion uſed by the captain, which moſt of the other witneſſes likewiſe ſpeak to, that they have heard the captain ſay, more than once or twice, that the boy had been ſent out as a ſpy on his conduct; that he would get quit of him, and that it was ſuch as him that got the trade a bad name. Then the witneſs Scott deſcribes the boy's health to be impaired, and that by the bad treatment he received, and from hunger, the boy became thinner, and had an emaciated appearance; that he had ſome ſlight ſores upon his legs, but he attributed the cauſe of them to bites of the moſquito flies; that he had a paralytic affection upon him, but he did not obſerve it increaſe very much; that the captain hanged him up by the heels by the gun tackle, his hands juſt touching the deck. And you will attend particularly to what he ſays as to the time he repreſents the captain as ſuſpending him: he ſays, he did this ſeveral times, and that he kept him from eight o'clock till twelve o'clock at night, and that the boy then cried out ſo as to prevent the captain from ſleeping, and in conſequence of that he was taken down; that the effect of this upon the boy was a numbneſs in his legs, and want of recollection. He has known the captain tie him up by the arms to the barricado door; that he was ſuſpended in ſuch a way that his toes could juſt touch the deck, that he kept him in that ſituation for an hour, and that he did this twice or three times a week. He ſays, the occaſion was the boy's pilfering ſome ſugar or molaſſes, and neglecting to clean out the tubs which were for the ſlaves on board the ſhip. He has known him faſten the boy about the wriſt to the barricado door, naked, one half of his head was ſhaved, and he painted his body black, and then he called the ſlaves to laugh at him; and he, the ſurgeon, who was in the habit of ſhaving the ſlaves, did it: that was done by way of mortifying and expoſing him to ridicule; it could not injure his health. He ſays, the boy was much debilitated. He ſays, one day, while the boy was carrying a tub acroſs the deck, he ſpilled ſome of the contents; that the captain came forward with a handſpike, which has been deſcribed to be a wooden inſtrument to heave the windlaſs, and broader at one end than

the other; that the captain ſtruck the boy with it ſo as to knock him down among the ordure which had been ſpilled, and beat him with this handſpike after he was down; that the blows were given as if with a common ſtick; and then he adds this circumſtance, which I do not find ſtated by any other of the witneſſes, that he jumped upon him with his feet, and continued jumping upon him for five minutes. He ſays that the priſoner held the handſpike by the ſmaller end, and ſtruck the boy with the larger, which was ſquare; that he hit him upon the head, breaſt, and back; this was done a month before the boy died. And after that he gives an account of the priſoner opening the mouth of the deceaſed, and putting ſome of the dung into it, and making him ſwallow ſalt water afterwards. The boy, he ſays, was very much bruiſed about the head and ſhoulders; and although he was ſurgeon or doctor on board the ſhip, he did not do any thing to him as to dreſſing his wounds, becauſe it was of no uſe, for the boy was beat every day; and he aſſigns alſo as a reaſon for not dreſſing him, that his time was fully employed in attending to the ſlaves who were on board the ſhip. That the boy did a little duty after theſe beatings, but he did not do much: he ſays the boy was able to do but little; he was not a ſailor ſufficiently capable of handling the tackle of the ſhip.

Gentlemen, he ſays, after this he ſaw the captain beat him with the handle and the tails of the cat on his head; that his head and face were much ſwelled, and that he could not ſee out of his eyes for ſeveral days before he died; that the boy was not allowed the ſame proviſion as the ſailors when he came upon the coaſt, but only a bit of yam and a bit of bread; and he ſays he does not think that he had ſo much of that as he could eat, and he was kept upon this diet for ſeveral weeks while they lay at New Calabar, till at length the boy became much emaciated. He does not himſelf think that he was allowed to eat beef or pork, if he had the appetite to eat it: that the captain ordered him not to go where the water was; he was limited to three panakins a day, which is ſomething about three half pints of water. When the

boy has aſked for water, the priſoner has ſaid to him, with an oath, that he ſhould have none. He is aſked whether, notwithſtanding the captain did not allow him meat, the boy did not get ſome: he ſays, he has heard ſome of the people ſay the boy did get at their beef; and he tells you, that on the 31ſt of March the boy died; that four or five days before his death his belly was ſhrunk in, and his breaſt-bone appeared ſharp; his head and eyes were ſwelled ſo much, that he could not ſee out of them; and he believes the boy's death was occaſioned by the blows that he received by the cat and by the handſpike. That he himſelf, as a doctor on board, gave him ſome phyſic for the bites of the moſqitos, but gave him no medicine upon any other occaſion, becauſe, he ſays, if he had neglected the ſlaves to attend the boy, perhaps he would have been beat himſelf. He then deſcribes the appearance of the boy's body after his death: he ſays his forehead was puffed up like a ſponge; he does not particularly recollect whether his eyes were diſcoloured, or whether they were only ſwelled, in conſequence of the blows upon the head. He ſays, he ſaw him an hour or two before he died, the time he does not particularly recollect, but it was in the fore part of the day when he died: he felt his arm, and found ſome circulation, but very little: his eyes were then cloſed; his back appeared crooked; his head and face ſwelled up, and the blood ſticking to the hair of his head: that bruiſes were upon his body, his arms, and his head, and his breaſt ſtuck out; that when he firſt came on board at Liverpool, his breaſt was not of that form, nor did he obſerve that his back was crooked or hunched until about a month before he died; but he did not obſerve his breaſt to project, and his belly to ſink, only a week or two before he died; and he ſays, upon his oath, that the boy's death proceeded from the ill treatment which he had ſo received from the captain.

Gentlemen, that is the whole account which he gives of the treatment this boy received on board the ſhip; and as he was in the ſituation of a medical man going out as ſurgeon, and preſcribing medicines for the ſick, he ought to be the perſon, to be ſure, upon which one ſhould particularly rely for every thing that took

place on board with reſpect to the health of the crew. Gentlemen, you will ſee how far you can rely on his account by his future conduct: he tells you, that on the 4th of June they arrived at Dominica; they ſtayed there twelve days; that he went on ſhore on the Sunday morning for the purpoſe of delivering in his mortality liſt, which, as ſurgeon, he was obliged to keep, and afterwards to deliver it in at the firſt port at which he ſhould arrive. At Dominica he delivered in his journal and his mortality liſt; that is, the account of all perſons who had died in the courſe of the voyage, and the cauſes which occaſioned their deaths. He ſays, it is his writing and his ſignature; it is dated the 6th of June: he ſays he was likewiſe ſworn to it. Gentlemen, it is material that it ſhould be ſtated to you: it begins—

"1807, March 15th, Robert Dunn, eighteen years. He is "much relaxed and debilitated. Extremely nervous, having a "conſtant tremor and convulſive motion, particularly in his "hands, when in action: this paralyſis or nervous irritation was "more or leſs in his ordinary health, and lately has become "greater in proportion as he has become more weak. He has "had ſeveral attacks of pyrexia from eating almoſt any ſort of "food, particularly vegetables, the produce of the country, and "meat to exceſs: with this, and want of action in himſelf, he "became reduced and weak.—20th. He ſeems quite obſtinate "in every thing told him; is indolent to extreme; and becomes "more debilitated.—31ſt. Died."

And to this the witneſs, Scott, at Dominica, ſwore, as being a true account. He now ſays, that he wrote the journal at the table in the captain's cabin; that the journal was kept in a cheſt in the cabin; that the captain had acceſs to it, and ſometimes looked at it. He ſays he kept his journal upon a coarſe ſheet of cartridge paper, and then he copied it: the firſt journal he made was deſtroyed, or what became of it he does not know. He ſays, he has not ſtated the whole truth in the journal; and adds, "I had reaſon to apprehend my own life in danger if I had told the truth." He ſays, the entry on the cartridge paper and in his journal is true as far as it goes, but that it did not contain what

was the cauſe of the weakneſs and the debility. Gentlemen, I think if it did not ſtate the true cauſe, or if the ſymptoms are improperly deſcribed, he cannot ſhelter himſelf as not having ſworn to a falſehood, becauſe, when he is ſworn, he is compelled by law to ſtate the truth, and the whole truth, and he cannot exonerate himſelf by ſaying it is the truth, but not all the truth. He ſays, that after he himſelf delivered in this account at Dominica, where they firſt ſtopped, they proceeded to Montſerrat, at which place they arrived on the 18th of June; and the firſt time they went on ſhore at Montſerrat he mentioned the crime to ſome people, but not to a magiſtrate; but toward the latter end of the ſame month (having firſt written a letter to Mr. Herbert) he went before him, and gave the ſame account he has now given: he went there without any of the crew, and afterwards they were ſent for and examined, and, in conſequence of their teſtimony, the crew, together with this witneſs and the captain, were put on board the bark Hazard, with the depoſitions that were taken before the magiſtrate, but what became of them he does not know: it appears, however, that they were loſt in that veſſel, in which were the priſoner and ſeveral other paſſengers, but he does not know at what time they were miſſing; that the priſoner and the witneſſes were afterwards put on board the Northumberland, and brought to England. He then ſpeaks of one of the letters you have heard read being brought by Evans, a marine, in the month of Auguſt or beginning of September, and that letter, he ſays, is in the priſoner's hand writing. This letter I will read to you.

[*His Lordſhip here read the letter inſerted in Scott's evidence.*]

That is the only letter written by the priſoner to this witneſs.

Gentlemen, on his croſs examination he ſays, that ſometimes the priſoner did not beat the deceaſed for two or three days together, and then he made it up by beating him twice a day; that on the day he beat him with the handſpike he jumped upon his body; that he ſtruck him as hard as he could ſtrike; he afterwards ſays, he could not ſay it was as hard as he could ſtrike, but he ſeemed to be in a great paſſion; and he has more than once heard him ſay that he would murder him. That he and the captain

were not on the beſt terms. Once the captain had occaſion to charge the witneſs with being drunk, but he was more drunk than himſelf; that the priſoner puniſhed him at Dominica before he got to Montſerrat; and alſo on the coaſt he flogged him. He was aſked particularly if there was any mutiny on board the ſhip: he ſays, there was no mutiny, in his opinion; that the captain inſiſted upon the crew drinking ſtinking water, and upon that occaſion the crew ſaid, ſooner than they would be poiſoned they would go on ſhore, and die among the negroes. He ſays, the captain himſelf drank of the water of the country which was brought on board. He ſays, that the men were one day ſinging, and the captain deſired them not to make a noiſe; but they continued ſinging: upon which the captain opened the arm cheſt, and took out a piſtol, and ſnapped it at them; and the gunner ſaid, ſooner than they would be fired at by the captain, they would blow up the ſhip.

Gentlemen, you will compare this account with the teſtimony of the other witneſſes, and with what was ſaid by the captain of another ſhip, who, it appears, was hailed by the priſoner to render him aſſiſtance. He ſays, the priſoner hailed Captain Brown, and that the men told their grievances to him; and Captain Brown told them, if they did not be quiet, he would bring his ſhip alongſide. He did not hear any threats of throwing Captain Brown overboard. He ſays, Jones and Smith had orders for their wages to be paid them before they would come on board. He is aſked whether he was not on ſhore at Dominica more than once: he ſays, he was twice, ſo that he had an opportunity of giving an account of the captain's conduct at Dominica, where there was a magiſtrate to protect him. He alſo ſaw Meſſrs. Lockhart, who came ſeveral times on board their ſhip while they lay at Dominica; but he never mentioned a word about it; on the contrary, he puts in this falſe mortality liſt. He ſays, he was once at Meſſrs. Lockhart's houſe; that he went there with the captain, and that he was at Montſerrat a few days before he made this charge. He was aſked if he was not at the houſe of Betty French: he ſays, that he was there, after the court of inquiry had been held. He

is then aſked, whether he ever uſed expreſſions to the witneſſes, and told them to mind and ſtick to what he ſhould ſay, and denies that he ever uſed theſe words to any of them. He ſays, that in converſation they would relate what each had ſeen, but nothing more; and that he never mentioned that he himſelf would not have made the charge, if the captain had not puniſhed him. He ſays, in the mortality liſt he put down the ſymptoms, but not the cauſe of the ſymptoms; therefore he repreſents his journal as true in part, but not in the whole. There may be ſome ingenuity, as he may think, in this excuſe; but it is nevertheleſs falſe. If the account he has ſworc to now is true, it is impoſſible to reconcile it in any manner with what he has ſtated in his journal. He ſays, he was afraid of the captain when he was on ſhore at Dominica, and that is the reaſon he did not diſcloſe what the captain had done; that he was told there was little juſtice to be had at Dominica, but at Montſerrat he was informed he could have juſtice done him. He was preſſed why he did not communicate it to the King's officers of the cuſtoms, or to the commanders of his Majeſty's ſhips: he ſays, he did not think himſelf ſafe in making the diſcloſure there, and therefore he did not do it. He ſays afterwards, upon his re-examination, that whether the captain had puniſhed him or not, he ſhould have made the priſoner's conduct known; that neither he, nor Dunn the boy, had any thing to do with the mutiny; and that Smith the gunner was drunk at the time. Gentlemen, that is the account which is given by Scott, and I think it contains as many or more particulars of ill treatment which Dunn received than all the other witneſſes put together. Though in many caſes you will find him confirmed, yet it is impoſſible to paſs over this man's evidence without great difficulty ariſing in the mind as to giving him any credit, he having upon a former occaſion, upon oath, ſtated this boy's death to have happened from diſeaſe, and now he has taken another oath, and given another account; but which of the two accounts is true creates the difficulty, becauſe both accounts are upon oath. You have heard the account that has been read, and which is in his own hand writing, and by himſelf delivered in at

Dominica: if he had inferted in that account, that it was through the ill treatment of the captain that the boy died, it would have been more ſatisfactory, and then we ſhould have had no need of reſorting to any one elſe. The journal was delivered in and ſworn to on ſhore; but yet, he ſays, he was afraid of the captain; but it is impoſſible to believe that he would have been in any danger, when there was a ſhip there belonging to the Crown, and officers of the cuſtoms, who would have protected him from receiving any ill treatment; but he ſays, if he had given a true account, the captain would have murdered him, and this is the way in which he endeavours to reconcile his conduct. To be ſure, with reſpect to him I ſhould find it very difficult to rely upon any one fact he has ſtated, as he has ſo materially contradicted himſelf.

The other witneſſes, it appears, were perſons who had been in a ſtate of mutiny, or were puniſhed by the priſoner for miſconduct; and you will judge whether they are, or are not, liable to the imputation, which the priſoner in his defence alleges againſt them; namely, that they are ſeeking to gratify their revenge for his having ſo puniſhed them.

Gentlemen, the next witneſs is Henry Smith, a perſon who has been alluded to by Scott: he was one of the crew on board the Apollo. He ſays, Robert Dunn ſeemed to have nothing ail him when he came on board; he ſpeaks of his being flogged in the outward voyage; that after they came to the coaſt he was placed at the barricado door: the ſtanding there would not hurt him. He then ſays, that he has ſeen the captain faſten him by the wriſt, and hoiſt him up ſo that his toes would touch the deck; he has alſo ſuſpended him by a chain round the neck, and called the ſlaves to laugh at him; that when he was let down, there appeared a mark about his neck. At another time the captain ſhaved one part of his head, and blacked his body; that the captain hanged him up by the heels. He cannot ſay how long it was before he died. He ſays, he remembered the boy being employed in cleaning the ſlaves' tubs; that he ſaw him capſize it and ſpill the contents; the captain ſaw it, and he made him ea

ſome of this filth; that he has made him eat the ſlaves' dung more than once. He ſays, he once ſaw the captain hang Dunn up with a chain about his middle to the boom, and the reaſon was, he told the captain that the mate had neglected to waſh the deck: he ſays, he ſaw the captain ſtrike him while he was down, on the body, and on the legs once, for leaving a tub ſtanding on the main deck, which ought not to have been there; and this, he ſays, was three or four days before the boy died, and after the time when he had overſet the tub. He ſays, when he had ſo beat him, the boy got up, and walked to the top of the forecaſtle, and went under the forecaſtle, and there he lay till he died. He ſays, with reſpect to the boy's food, he had no grog allowed him, and only yam, and ſometimes bread inſtead of yam; and that the quantity of yam he had was about the ſize of a man's fiſt: he was kept upon that allowance for a conſiderable time before he died. That, while the ſhip was upon the coaſt of Guinea, the captain ſaw the witneſs taking him a bit of yam; and the captain ſaid, if he found him taking the deceaſed any beef, he would flog him. He ſays, the captain ſent him forward to wring out ſome ſwabs, and at that time he had no clothes on. It was more than a week after they left the coaſt when he died. He ſays, he once heard the priſoner aſk the boy whether he thought he ever ſhould ſee Liverpool again; the boy ſaid, he did not know; he hoped he ſhould. The captain called him a bad name, and told him he never ſhould. He has heard the captain tell the boy, that Williamſon was gone to hell, and he would make the boy go after him; that he never ſaw the captain beat the boy after the laſt time he beat him with the handſpike, at which time the boy had only a ſhirt on, and that his ſhoulders were then all of a gore of blood; and that the deceaſed was a ſtout boy when he came on board the ſhip. Gentlemen, he is next examined with reſpect to his own conduct; and he ſays, that he himſelf had ſeveral floggings for miſconduct; that he was on ſhore while at Calabar, but that he went with the captain's order. Then he ſays, he went without leave, but he intended to come back again. He cannot read,

but he underſtands that a ſailor, by leaving the ſhip without leave, loſes his wages. He remembers Scott, the doctor, being puniſhed, and he gives the diſtinct account why he was puniſhed; that a man came to borrow a bottle of rum, and the doctor let him have ſome: the captain being told of it, puniſhed the doctor. He admits that he went to this houſe of Betty French, at Montſerrat; that he knows Dubry: he denies that Scott ever told him what he had ſaid when examined before the magiſtrate; and he denies that he was told by Scott to ſtick to what he had ſaid.

Gentlemen, it is obſervable here, that the particular beating deſcribed by Scott, as one of the moſt ſevere the boy had, was when he ſpilt the contents of the ſlaves' tub. This witneſs ſays, he ſaw the lad ſpill the contents, and the captain oblige him to take ſome of it in his mouth, and ſwallow it, but he did not ſee any beating given to the boy at that time. Now, Gentlemen, if the captain had beat the lad in the very ſevere manner deſcribed by Scott, it is ſomewhat extraordinary that it ſhould not have made an impreſſion upon this man's recollection; but though he was preſent, and ſaw the tub capſized, and the captain force ſome of the filth into the boy's mouth, he does not ſpeak to any blows whatever being given.

The next witneſs is Henry Nutſon: He deſcribes the boy to have been in good health in the outward paſſage; that he had a ſhaking of his hands when he took hold of any thing when firſt he came on board; that he has ſeen the captain hang him up by a chain acroſs his middle, ſometimes with his face upwards, and ſometimes downwards; that he has hung him up ſometimes for three hours in that manner, and then let him down:—he ſays, at another time the boy was laſhed by the heels to the gun-tackle, and ſuſpended ſo that he could juſt touch the combings of the hatchway; that he has been hung up that way for four or five hours at a time: and that this was done for little crimes. He has ſeen the captain hang him up by a chain acroſs his breaſt, and ſo ſwing him round, and the ſlaves were called up to look at

him; one-half of his head was ſhaved: and he has heard the captain ſay he would kill him, becauſe Mr. Brade had ſent him out as a ſpy; and he would take good care he never ſhould go back; that Williamſon was gone to hell, and he ſhould follow him. That one day the boy ſpilt ſome of the contents of the ſlaves' tub. The captain ſaw that the tub was upſet; he ran, and got hold of the handſpike, and beat the boy about the head and body. You obſerve, Gentlemen, Scott ſpoke of another act of ſeverity, that of jumping upon his body when he was down: this witneſs ſpeaks to his beating him, and ſays that was all he did: (the other witneſs does not ſpeak to any thing but giving him the ordure). He ſays, that ſometimes the captain beat him with the laſh of the cat, and ſometimes with the handle acroſs the temples and head; that the boy was naked, except his ſhirt; that he was ſo four or five months before he died. Then he ſpeaks of a beating which took place three days before he died, when the boy was laying under the forecaſtle: he cried out for mercy. The next time the witneſs ſaw him, he was upon the forecaſtle, with a mat over him; he was then alive; and one morning he found him dead. Then he gives an account of his being the perſon that told the priſoner of the boy's death, and the anſwer the priſoner made was, "D—n your eyes, heave him overboard: what do you tell me about him?" He ſays, that one ſide of his belly was ſhrunk in, and where he had been punched was marked with bruiſes; his eyes were cloſed up and black for about eight days before he died. On his croſs-examination, he deſcribes the captain as beating him almoſt every day with the handſpike, and ſometimes with a gun bar, as hard as he could, over his head and back; and ſometimes the captain uſed to ſing out that he would take good care the boy ſhould not get back again. He ſays, the priſoner called Captain Brown to come on board, but that he, the witneſs, did not know what he came on board for; that they were doing no harm; they were only ſinging a ſong: he ſays, Captain Brown deſired them to return to their duty, or he would bring his ſhip alongſide. He ſays, ſome of the crew went on

ſhore; he was four weeks on ſhore; he refuſed coming back, becauſe the captain would not take all hands; he ſays, the captain refuſed to take Smith and Jones. He did not go voluntarily back to the ſhip; he was brought back by the traders. He ſays, he never charged the captain with being the murderer of Dunn at Dominica and at Montſerrat; he never ſaid any thing about it: he ſays, the reaſon was, becauſe he thought there were other people who were more ſenſible and better able to make the charge than himſelf; that he was at this houſe which is called Betty French's; that he never had any converſation with Smith, or Berrian, or Jones; he ſays, he never heard any thing ſaid by the doctor or any one elſe about ſticking to what the doctor ſaid; that he never ſaid that nothing of this would have happened, if it had not been for fear of loſing their wages. This queſtion is put to the witneſs upon account of the teſtimony hereafter given on behalf of the priſoner.

Gentlemen, the next witneſs is William Berrian: He ſays, that after they arrived on the coaſt, he ſaw the boy Dunn hung up to the booms with his heels upwards, and this continued three hours: when he came down, he looked very poorly: he never ſaw him hung up by the heels more than once. That he has been hung up by the middle with chains; he has ſeen him ſtanding at the barricado door only with a ſhirt on. That the captain beat the boy with the handle of the cat, and with the laſhes; that the boy uſed to have about a pound and a half of yam a day, and about three half-pints of water. He ſays, the boy was employed in emptying the ſlaves' tub, and that the boy's face was ſwelled up, ſo that he could not ſee out of his eyes for ſome days before he died: after he died, he ſays his breaſt-bone ſtuck out, and his belly was ſunk in. He ſays, that ſometimes the captain uſed to make him wring out ſwabs, and go without clothes; that ſometimes the crew went without their jackets, and with only their trowſers on. He ſpeaks to the letter brought by Evans, the marine, to Scott, and which you have heard. He ſays, that this letter, and the other letters which were produced, are the captain's

hand-writing; that he came home a priſoner on board the ſame ſhip, and the letters were all brought to him by Evans, who was one of the marines on board; that the letters deſired him to be as favourable to the captain as he could in the account that was to be given, and offering him money and clothes, and it appears he ſent money to him, which he received. Berrian ſays, he ſhowed theſe letters to Scott as ſoon as he had them; that he wrote one or two letters in anſwer to the captain, one of which was written with a pencil, and that he did not aſk the captain for money. That while they were on the coaſt of Calabar, he and ſome more of the crew went on ſhore; that the reaſon of their going was, the gunner was forward ſinging a ſong, and the captain bade him be quiet: he would not, and upon that the captain ſnapped a piſtol at them, and they went on ſhore; but after ſtaying about four or five weeks, they returned. He admits that they went to another ſhip, but the captain fetched them away. He ſays, that at different times the captain and the crew fell out; that he was himſelf flogged once, and twice he had ſome blows given him. He ſays, he was at the houſe of Betty French, and that he ſaid there, if Scott did not make it known, he would when he got to England. He ſays, that Scott perſuaded him to let it alone till they came to Liverpool; that while they were on the coaſt the captain told them all they might go on ſhore, and that when they were on ſhore he ſaid he never would take the gunner on board again: he ſays, there were four of them refuſed to go back to the ſhip upon account of the captain's refuſing to take the gunner.

The next witneſs is Henry Jones, who was alſo one of the crew of this ſhip: He ſays, that ſometimes the captain flogged Dunn in the outward paſſage, and after they got on the coaſt he hung him up by the heels; and that he was hung up with a chain round his middle, and once by a chain round his neck, with his feet barely touching the quarter-deck; that he wore a piece of cloth round his waiſt, and the captain gave him a coat. He once heard the captain aſk Dunn, if he thought he ſhould live to ſee Liverpool: the boy replied, he did not know; he hoped he

ſhould : the captain ſaid, he would take d—nd good care he ſhould not; for Williamſon the clerk was gone to hell, and he ſhould follow him. He ſays that afterwards the boy became nearly blind, and his head and face ſwelled by reaſon of the blows; that this was before they left the coaſt. That he ſaw the boy the night before he died; he aſked for a drink of water, and he gave him one; that his breaſt-bone ſtuck out, and his eyes were ſwelled; it ſeemed to proceed from the blows he had received on his head and neck. He ſays, that he never ſaw his hands ſhake till after he was beaten; but you will recollect that all the other witneſſes ſay, they obſerved it from the time he firſt came on board the ſhip, excepting one, who, I think, ſays he ſaw it about a month after he was on board. This witneſs was alſo flogged once. He ſays, the captain ſaid he would poiſon all of them, and upon that they went on ſhore; that he never told the captain that it was all a made up ſtory, and if he would let them have their wages they would ſay nothing about it. Gentlemen, this is all the evidence of thoſe who were on board the ſhip.

The next witneſs is for the purpoſe of authenticating certain papers; namely, the letters written from the captain to Scott the ſurgeon, and to Berrian, during their paſſage home, one of which letters I have read to you: theſe letters were communicated by a man of the name of John Evans, who is now brought before you. He ſays, he was a marine on board the Northumberland; that the priſoner firſt applied to him to waſh his linen, which he did; that he aſked him if he knew Scott; he ſaid he did not. The priſoner ſhowed him Scott, then gave him a paper to deliver to him, and afterwards employed him to deliver ſome money to Berrian, amounting to twenty-ſix dollars: he gave the money to Berrian, and mentioned to the priſoner, that Berrian ſaid, unleſs it was in part of his wages, he would not receive it: the priſoner deſired the letter might be thrown overboard as ſoon as Berrian had read it, and begged they would do all they could for him, and to contradict the doctor. Berrian ſent word they would

do every thing in their power as far as was right, and the captain ſeemed not well pleaſed with that anſwer. He aſked him, whether Berrian had torn the letter? he anſwered, that Berrian had told him he had deſtroyed it; he likewiſe received from the priſoner a ſhirt, a pair of trowſers, a pair of ſhoes, and a handkerchief, to deliver to Berrian, and was deſired to ſay they were clothes that were of no uſe to him, and to divide them between Jones and Berrian, and for them to be as favourable as they could, and to contradict the doctor; and that he particularly requeſted that the letters might be thrown overboard. Gentlemen, then theſe different letters were read [*here Mr. Juſtice Le Blanc read four of the letters from the priſoner to Berrian, which are before inſerted.*]

Gentlemen, I do not think it neceſſary that I ſhould read them all over to you again, as you have heard them once; but the general object is to ſhew, that knowing many of theſe perſons had been examined againſt him, he is giving them advice and advancing them money, and, indeed, offering them more than their wages would come to, provided they would give evidence againſt the doctor; and the proſecutors infer from hence, that the priſoner was conſcious the facts were well founded, and that he therefore endeavours to prevail upon the witneſſes to ſuppreſs their evidence.

Gentlemen, The next evidence is that of the medical gentlemen, who are called to prove that, ſuppoſing the other teſtimony is true as to the ill treatment of the deceaſed, that ſuch ill treatment might be the occaſion of his death. The firſt witneſs called is Dr. Powell, who, of courſe, can only ſpeak from his medical knowledge, ſuppoſing all the facts ſtated to be true. Dr. Powell ſays, "I cannot form a poſitive judgment of the cauſe of Dunn's death, but I ſhould believe it to be from the acts of ſeverities uſed to the boy." Thoſe acts, he ſays, are ſufficient, ſuppoſing them to be true, in themſelves to cauſe the death of the party; that is, to have made the party die at the time they were inflicted; not to have cauſed a lingering death, but to have killed him on the ſpot. Certainly it is very likely, that, if a man had been hung

up by the heels four hours, it might have caufed his death in that time; but though it might not have caufed his immediate death, death would follow. With refpect to the beating with the handfpike, as defcribed by the witnefs, Dr. Powell fays, he fhould have thought it would have produced inftant death; and, to be fure, if it is true as they fay, one would wonder the boy did not die inftantly; and it is a moft aftonifhing thing that he did not. Dr. Powell fays, although it did not kill the boy, it would probably fo far injure the head as to operate in the termination of his life; but he fhould think the beating him with the handfpike in the manner the witneffes have defcribed, would produce death at the time. From the evidence which has been given refpecting the appearance of the boy, he cannot attribute his death to any thing in the climate, or to any thing from the nature of his employment on board this fhip: he fays, that his head is defcribed as much bruifed, and the body as much emaciated; and that probably the injuries of the head and the emaciation of the body were the caufe of the boy's death. He thinks the breaft-bone would not have been raifed by the ill treatment, but that he was what they call chicken-breafted, and when he was plump it did not appear; but after he wafted, the projection of the bony arch would be more apparent: that the fhaking of the hands, when he went to do any work, he does not think would caufe him to die of a nervous affection; that, as a man of fkill, he cannot venture to pronounce with any certainty what was the caufe of his death, but, in his opinion, if what the witneffes fay be true, the boy's death was produced by the ill treatment he received.

Mr. Ramfden, who is a furgeon, fays, that, having heard the whole of the evidence, he feels himfelf bound to fay that he conficers the death of Dunn to proceed from the feverities ufed: he attributes his death moft particularly to the beating with the handfpike: he fays, "I fhould have expected it would have produced immediate death;" but it appears the beating produced fwellings and wounds, and thefe circumftances ultimately were the occafion of his death.

Gentlemen, that is the whole of the evidence on the part of the profecution. The firſt witneſs, who is the witneſs from whom we ought to have expected an accurate account not only of the ill treatment, but of the ſymptoms which they occaſioned, does not appear in the beſt light before you, he having given two ſuch contrary accounts ; and, unfortunately, there is no indifferent perſon from whom you can have an account of this tranſaction, all the other witneſſes being people who have miſconducted themſelves, and been puniſhed by the priſoner.

The priſoner, in his defence, tells you, he had the misfortune to be the commander of this ſhip, and that, when they arrived on the coaſt, the crew conducted themſelves in a very turbulent manner ; that there was a mutiny on board the ſhip, and he was obliged to call in the aſſiſtance of another captain ; that one of them (the gunner) ſaid, he would blow the ſhip up, and they afterwards went on ſhore, and would not return until he gave them notes for their wages ; and in particular he points out the doctor as wiſhing to be revenged of him, becauſe he puniſhed him for miſbehaviour. He tells you, if that had not taken place, this charge would not have been brought againſt him, and that he cannot bring any witneſſes to contradict them, they being the whole of whom his crew conſiſted.

Gentlemen, that part of the caſe which preſſes againſt him the moſt is, his offering the witneſſes money, which no prudent man would or ought to have done ; but with reſpect to that he ſays, that he is an ignorant man, having been at ſea all his life ; and that, finding he was in their power, he was alarmed and frightened, and rather than riſk his life being ſworn away, he wrote thoſe letters, and this is the way he accounts for them. He further ſays, that at Dominica they had an opportunity of making this charge, if they had been ſo diſpoſed ; and to be ſure they ought to have done it at the firſt Britiſh port at which they arrived, and where they were likely to have protection.

On the part of the priſoner, witneſſes are called to prove that there was a mutiny on board, and another part of the caſe is, that

the witneſſes for the proſecution have moſt of them ſworn falſe, in having denied converſing at Betty French's, where they are repreſented as conſulting together in what manner to bring forward this charge; that they ſaid they would be revenged of the captain, becauſe he had puniſhed them.

The firſt witneſs called is Captain Bell, who is the maſter of the ſhip Hazard, which was lying at Montſerrat while the Apollo was there. He ſays, that he ſaw the ſurgeon outſide of the gaol at Montſerrat talking to the other witneſſes who were within; he heard Scott ſay, they need not be afraid of getting their wages if they ſtuck to him: he could not hear their reply, but they ſaid ſomething. Scott anſwered them, "That will not do; we muſt be of one ſtory, or we can make nothing of it:" and upon Scott's leaving them, he ſaid, "I'll make him repent flogging me."—You recollect Scott ſaid in his evidence, that at Dominica he was puniſhed, and he was alſo flogged on the coaſt by the captain.—Captain Bell ſays he was preſent at the examination; that the witneſſes did not, to his knowledge, make any charge at that time of tying up of the boy by the heels: however, that matter muſt reſt upon his recollection, as he is ſpeaking to what happened a great while ago.

Gentlemen, the next witneſs is Abiah Dubry, who was the mate of a Weſt Indiaman lying at Montſerrat. He ſays, he ſaw Smith, Jones, and another man, a carpenter, at Betty French's. One night he heard the doctor, and the three witneſſes that have been examined, and the carpenter, conſulting together; and when they got up, Scott ſaid, "If you all ſay as I ſay, there is no fear but we ſhall do him." He ſays, that all the ſeamen wiſhed to be taken home in his ſhip: he aſked them why; they ſaid, they had abſconded from the priſoner's ſhip, and the captain wanted to ſtop their wages. He ſays, he does not know what they could be talking about at Betty French's, except that they were talking about Chapman. When they got up, he heard the expreſſion, there was no fear they ſhould do him, if they all agreed.

William Hoſkins, purſer of his Majeſty's ſhip the Challenger,

ſays, that Scott told him that Chapman had exerciſed a variety of barbarities upon the ſeamen; that he frequently beat them; upon which he aſked Scott why he did not acquaint the governor of Dominica, and whether he had not delivered in a journal there, deſcribing the manner of treatment the deceaſed received; he ſays, Scott told him that he had ſtated in his journal that he died of a natural death: he aſked him whether he had not ſworn to it; he ſaid he had, but it was not true, and that he was in dread of the priſoner. He ſays, Scott told him, if he had not been puniſhed by the captain, he ſhould not have ſaid any thing about it at Montſerrat; but now he was determined to proſecute him, and have his revenge.

Gentlemen, this all goes in contradiction to the witneſſes for the proſecution; for when queſtions were put to them by the priſoner's counſel, as to whether either of them ſaid they would do the captain, they all ſtrictly denied it.

The next witneſs is Captain Brown, of the Eliza, who was on the coaſt of Africa at the time the Apollo was there: he ſays, he commanded the Eliza; and that, when on the coaſt of Africa, the priſoner hailed him: he went on board, and the priſoner told him his life was in danger; he went forward, and aſked the crew why they did not obey the captain; the crew ſaid, they had obeyed him too long. The gunner ſaid, the captain had ſnapped a piſtol at him, and ſooner than he would be uſed ſo, he would blow the ſhip up, as he had the key of the magazine. One of them ſaid, "Damn him, why does not he go about his buſineſs? Why does he not ſtay on board his own ſhip? Throw him overboard." He ſays, he told them, if they did not return to their duty, he muſt bring his own ſhip alongſide the Apollo, to compel them: upon which, two or three of them ſaid, they had guns as well as he, and they ſhould ſee who could laſt the longeſt. Gentlemen, this is the account given by Captain Brown, and, to be ſure, the conduct of the crew was as near mutinous as could be. The gunner ſaying he had the key of the magazine, and would blow up the ſhip, and others ſaying we have as many guns, and we ſhall ſee

which ſhall laſt the longeſt, are pretty ſtrong ſymptoms of mutiny on board ſhip.

Gentlemen, another witneſs is called, a Mr. D'Arcy, who is captain of a ſhip in which the priſoner ſailed: in the courſe of the voyage, he ſays, the doctor died, and that the priſoner voluntarily took upon himſelf the management of the ſick, and conducted himſelf with great humanity; and his general character, from his own obſervation, he believes to be that of a man of humanity.

Gentlemen, the greateſt difficulty that you have to make up your minds upon is, whether the facts are truly repreſented by the witneſſes. If you ſhould be of opinion that they are, there is no doubt in the caſe; becauſe, if the boy was ill treated by the captain in the manner they have deſcribed, the ſeverities were ſuch as muſt neceſſarily occaſion death, and the priſoner muſt be guilty of the whole charge. I obſerve, the medical gentlemen who have formed their opinion from the evidence agree in the reſult, although one of them ſpeaks only of the beating with the handſpike as being the cauſe of his death, and the other attributes it to the general ill treatment the deceaſed received; but they concur in believing that the boy's being hung up by the heels for ſuch a length of time as four hours could never have exiſted without producing death before or at the end of it; that is, what you would call inſtant death.

Upon the whole, it is for you to judge whether the witneſſes examined on the part of the proſecution have given you a true and correct account of what paſſed on board relative to this lad: theſe facts are perfectly clear, that there was during the time the ſhip lay on the coaſt of Calabar ſomething very like, if not an actual, mutiny, and that the crew were puniſhed by the captain: and the only thing which now remains for you to conſider is, whether you are ſatisfied that the account given by theſe men is a true account, and not exaggerated by any grudge. There are ſome little circumſtances in which they are contradicted: you obſerve that queſtions have been put to them concerning their conduct at Monſerrat, and the language which they held to one another, which

they have all denied; but on the part of the priſoner, two perſons have been called, who prove the converſation to have paſſed: one man particularly ſpeaks to their conſulting together at Betty French's; and the other perſon, who was captain of a ſhip, ſays he was preſent at the door of the gaol at Montſerrat, and heard part of a converſation between Scott and the other witneſſes; Scott ſaying to them, "If you ſay as I ſay, there is no fear but we'll do him." If theſe expreſſions really paſſed, they carry with them an appearance of ill-will towards the captain. You will likewiſe conſider that Scott, the ſurgeon, never made this charge till he arrived at Montſerrat, when it was his duty to have related the whole truth at Dominica, that being the firſt Britiſh port he arrived at, rather than to have done that which he did, namely, to give in the falſe mortality liſt. On the other hand, ſuppoſing them to be men who are not free from objection, and to whom all theſe arguments apply which I have ſtated to you in the courſe of the night, and that the priſoner was aſſailed in the manner he has related by a mutinous and rebellious crew, yet he is found to be in treaty with thoſe men; he is ſending letters to them, when he knew they had been examined, and given depoſitions upon oath againſt him. We muſt ſay, if he is really innocent, it was extremely improper for a man in his ſituation to write to them, as the matter was about to undergo a judicial enquiry. I do not ſee how ſuch conduct can be reconciled as conſiſtent with perfect innocence; for it appears improbable that any man ſhould attempt to bribe a ſet of people to ſay what he knew to be the truth in his favour; and if he had conducted himſelf properly in his ſituation as captain and commander, and knew that they acted out of revenge, becauſe he had puniſhed them for offences, he ſhould patiently have awaited the inveſtigation which he knew muſt take place. The anſwer he gives to this part of the caſe is, by ſtating that they made overtures to him, and he being an illiterate man, and knowing himſelf to be in the power of theſe people, he thought it would be the beſt thing he could do to comply with their demands, and prevail upon them to give evidence in his favour.

Gentlemen, if you are satisfied by the witneſſes on the part of the proſecution (ſubject to the obſervations that I have made to you) that the ill treatment which this boy received was the cauſe of his death, undoubtedly, in point of law, it muſt amount to murder. On the other hand, if you think you are not treading upon good ground, and that the facts upon which the law muſt ariſe are not ſatisfactorily proved, in that caſe you muſt acquit him.

It was about nine o'clock when the Judge finiſhed his charge; and the Jury immediately retired out of Court, and, after being abſent SIX HOURS, they returned with a verdict of NOT GUILTY.

FINIS.

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